

In The Matter Of:

*Chad Hogan v.
City of Montgomery, et al.*

*M. D. Gordon
February 9, 2006*

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Original File gordon.txt, Pages 1-109

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City of Montgomery, et al.

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<p>[1] IN UNITED STATES DISTRICT COURT</p> <p>[2] FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>[3] NORTHERN DIVISION</p> <p>[4]</p> <p>[5] CHAD HOGAN,</p> <p>[6] Plaintiff,</p> <p>[7] vs. CIVIL ACTION NO.</p> <p>[8] 2:05CV-687-F</p> <p>[9] CITY OF MONTGOMERY, et al.,</p> <p>[10] Defendants.</p> <p>[11]</p> <p>[12] * * * * *</p> <p>[13]</p> <p>[14]</p> <p>[15]</p> <p>[16]</p> <p>[17] DEPOSITION OF M. D. GORDON,</p> <p>[18] taken pursuant to notice and stipulation on behalf of the</p> <p>[19] Plaintiff, in the Law Offices of Thomas, Means, Gillis &</p> <p>[20] Seay, P.C., 3121 Zelda Court, Montgomery, Alabama, before</p> <p>[21] Angela Fulmer, Certified Shorthand Reporter and Notary</p> <p>[22] Public in and for the State of Alabama at Large, on</p> <p>[23] February 9, 2006, commencing at 9 a.m.</p>	<p>[1] STIPULATIONS</p> <p>[2] It is stipulated and agreed by and between</p> <p>[3] counsel representing the parties that the deposition of</p> <p>[4] M. D. GORDON may be taken before Angela Fulmer, Certified</p> <p>[5] Shorthand Reporter and Notary Public in and for the State</p> <p>[6] of Alabama at Large, without the formality of a</p> <p>[7] commission; and all formality with respect to other</p> <p>[8] procedural requirements is waived; that objections to</p> <p>[9] questions, other than objections as to the form of the</p> <p>[10] questions need not be made at this time, but may be</p> <p>[11] reserved for a ruling at such time as the deposition may</p> <p>[12] be offered in evidence or used for any other purpose by</p> <p>[13] either party as provided by the Federal Rules of Civil</p> <p>[14] Procedure.</p> <p>[15] It is further stipulated and agreed by and</p> <p>[16] between the parties hereto and the witness, that the</p> <p>[17] signature of the witness to this deposition is hereby</p> <p>[18] waived</p> <p>[19]</p> <p>[20]</p> <p>[21]</p> <p>[22]</p> <p>[23] * * * * *</p>
<p>[1] APPEARANCES</p> <p>[2]</p> <p>[3] FOR THE PLAINTIFF:</p> <p>[4]</p> <p>[5] ANDERSON K. NELMS, ESQUIRE</p> <p>[6] JAY LEWIS, ESQUIRE</p> <p>[7] Law Offices of Jay Lewis, L.L.C.</p> <p>[8] 847 S. McDonough Street</p> <p>[9] Montgomery, Alabama 36104</p> <p>[10]</p> <p>[11] FOR THE DEFENDANTS:</p> <p>[12]</p> <p>[13] H. LEWIS GILLIS, ESQUIRE</p> <p>[14] CHRISTOPHER K. WHITEHEAD, ESQUIRE</p> <p>[15] RAMADANAH M. SALAAM, ESQUIRE</p> <p>[16] Thomas, Means, Gillis & Seay, P.C.</p> <p>[17] 3121 Zelda Court</p> <p>[18] Montgomery, Alabama 36106</p> <p>[19]</p> <p>[20] MICHAEL D. BOYLE, ESQUIRE</p> <p>[21] City of Montgomery</p> <p>[22] 103 No. Perry Street</p> <p>[23] Montgomery, Alabama 36104</p> <p>[24]</p> <p>[25] ALSO PRESENT:</p> <p>[26]</p> <p>[27] Ron Cook</p> <p>[28] Billy Caulfield</p> <p>[29] Chad Hogan</p> <p>[30]</p> <p>[31]</p> <p>[32]</p> <p>[33]</p>	<p>[1] INDEX</p> <p>[2]</p> <p>[3] EXAMINATION PAGE</p> <p>[4] BY MR. NELMS: 5</p> <p>[5]</p> <p>[6] EXHIBITS PAGE</p> <p>[7] PX1 I&O, arrest report, statements 95</p> <p>[8] PX2 interrogatories 98</p> <p>[9] PX3 drawing 107</p> <p>[10]</p> <p>[11] CERTIFIED QUESTIONS PAGE</p> <p>[12] Lines 19-21 85</p> <p>[13] Lines 1-3 101</p> <p>[14]</p> <p>[15]</p> <p>[16]</p> <p>[17]</p> <p>[18]</p> <p>[19]</p> <p>[20]</p> <p>[21]</p> <p>[22]</p> <p>[23]</p>

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[1] M. D. GORDON, of lawful age,
[2] having been first duly sworn, testified as follows:
[3] **EXAMINATION**
[4] **BY MR. NELMS:**
[5] **MR. NELMS:** Usual stipulations?
[6] **MR. WHITEHEAD:** Yeah.
[7] **Q.** Okay, sir. By the way, I noted that the notice of
[8] deposition said Jim Gordon.
[9] **A.** I think J. M. or something.
[10] **Q.** Yeah. I wanted to make sure I've got the right guy.
[11] State your full name for the Record.
[12] **A.** Marquedric Dante Gordon.
[13] **Q.** And do you have -- and you're a member of the
[14] Montgomery Police Department?
[15] **A.** Correct.
[16] **Q.** And were you a member of the Montgomery Police
[17] Department in March of 2005?
[18] **A.** Correct.
[19] **Q.** And do you have a number assigned to you as an
[20] officer?
[21] **A.** I do.
[22] **Q.** And what is your number?
[23] **A.** It's -- right now it's 149. But then it was 150.

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[1] **Q.** Okay. And did you attend the police academy?
[2] **A.** Yes.
[3] **Q.** Which one?
[4] **A.** Montgomery Police Academy.
[5] **Q.** Okay. And did you graduate?
[6] **A.** I did.
[7] **Q.** All right. Are you post certified?
[8] **A.** I am.
[9] **Q.** Okay. And when did you graduate?
[10] **A.** August -- I want to say August 12, '02.
[11] **Q.** All right. And when did you receive your post
[12] certification?
[13] **A.** August 12th. My graduation date.
[14] **Q.** All right. And during your post training, what
[15] classes, generally, did you take?
[16] **A.** We took plenty.
[17] **Q.** Well, let me tell you -- are you aware that there is
[18] a basic level, an advanced level, and an executive
[19] level of training for post certification?
[20] **A.** Well, I -- I don't know what the Montgomery Police
[21] standards would be. I don't know if it's basic or
[22] advanced or what it would be. But whatever their
[23] standards are, that's what I took. I'm not sure

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[1] **Q.** 150?
[2] **A.** Uh-huh.
[3] **Q.** Okay. And are you the officer that made the arrest
[4] of Chad Hogan in --
[5] **A.** Yes, sir.
[6] **Q.** Okay. We had a J. M. Gordon and then I dictated to
[7] the secretary and she put Jim Gordon and neither was
[8] right. How about that?
[9] **A.** I don't even think we have a J. M. at the police
[10] department.
[11] **Q.** All right. But you got served with the lawsuit?
[12] **A.** Right.
[13] **Q.** Okay. And you are the proper defendant?
[14] **A.** Right.
[15] **MR. GILLIS:** Objection.
[16] **MR. NELMS:** I'll agree with your
[17] objection.
[18] **MR. WHITEHEAD:** Yeah.
[19] **Q.** All right. How long have you been with the police
[20] force?
[21] **A.** April 18, 2002 is my hire date.
[22] **Q.** Okay. And what's your date of birth?
[23] **A.** February 9, 1982 is my birth date.

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[1] exactly what it is.
[2] **Q.** Okay. So is it fair to say you completed the basic?
[3] **A.** Correct.
[4] **Q.** Okay. Have you been back for any other training for
[5] any further post certification?
[6] **A.** I take -- yeah. I take classes. We have classes
[7] all the time that we go back and -- refresher
[8] courses or -- just classes for just additional
[9] training.
[10] **Q.** Are you maintain -- are you required to maintain
[11] certain --
[12] **A.** Hours.
[13] **Q.** -- credit hours?
[14] **A.** Right.
[15] **Q.** On an annual basis?
[16] **A.** Correct.
[17] **Q.** Okay. I also note that you have on your lapel that
[18] you're a K-9 officer.
[19] **A.** Correct.
[20] **Q.** Okay. Do you have any special training to be a --
[21] **A.** Correct.
[22] **Q.** Okay. Tell me about that special training.
[23] **A.** Well, when you transfer to the K-9 unit, you're

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[1] assigned a dog. Yourself and your partner, your
[2] dog, you have to go through a bonding process first.
[3] Once you -- once you bond with your partner, if he
[4] doesn't have his obedience in him, it's up to you to
[5] teach him his obedience. If the dog is trained on
[6] his obedience, you have to learn the commands to
[7] give to your dog. After the obedience, you train
[8] him how to apprehend, how to track, and how to
[9] search, and all that good stuff.
[10] Q. Okay. And were you a K-9 officer on March 31, 2005?
[11] A. Correct.
[12] Q. Okay. And were you working on March 31, 2005?
[13] A. Correct.
[14] Q. Okay. Tell me what shift you were working.
[15] A. Third shift.
[16] Q. Third shift?
[17] A. Uh-huh.
[18] Q. And what hours are those?
[19] A. Eleven to seven.
[20] Q. Eleven at night to seven in the morning?
[21] A. Seven in the morning, yes.
[22] Q. Okay. It's kind of hard for her to -- if we talk
[23] over each other. So I'll ask, and, then, if you

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[1] Q. Okay. So it's a division within patrol division?
[2] A. Correct.
[3] Q. Okay. And how many K-9 officers were there on the
[4] streets of Montgomery March 31, 2005, if you --
[5] A. I do not recall.
[6] Q. Okay. On a typical third shift night like March 31,
[7] 2005, how many K-9 officers would there be on the
[8] street?
[9] A. Well, we have a total of -- I want to say eleven.
[10] That's with the supervisors. I don't know if anyone
[11] was off. It depends on people's off days. But a
[12] typical night, I would say at least five or six.
[13] Q. Okay. And there are three shifts per
[14] twenty-four-hour period; correct?
[15] A. Correct. Not for K-9, though.
[16] Q. Okay.
[17] A. We're only -- at the time, we were doing a second
[18] and a third shift. No first shift.
[19] Q. Okay. What hours are first shift?
[20] A. First shift is --
[21] Q. Seven --
[22] A. Seven until three I think.
[23] Q. Okay. On the night of March 31, 2005, if you can

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[1] would, please, you just answer. And, by the way, I
[2] didn't say this in the very beginning. But if I ask
[3] a question that you don't understand for any reason,
[4] it's more than appropriate for you to say, sir, I
[5] don't understand the question, and I'll --
[6] A. Okay.
[7] Q. -- try to rephrase it. I'm really bad about asking
[8] complicated questions or compound questions. Also,
[9] if at any time during the course of this deposition
[10] you wish to take a break, you're more than welcomed
[11] to take break. Just say, I need a break, and we'll
[12] take a break.
[13] A. Okay.
[14] Q. And if you need to confer with your counsel, that's
[15] fine, too. There's no problem with that.
[16] And were you assigned to a special division or
[17] a group within the Montgomery Police Department that
[18] night of March 31, 2005
[19] A. Just the K-9 unit.
[20] Q. Okay. Is the K-9 unit separate from other units in
[21] the Montgomery Police Department?
[22] A. It's a part of patrol. But we have our own
[23] division.

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[1] recall -- first of all, do you know what day of week
[2] that was?
[3] A. Wednesday or Thursday. I'm not sure.
[4] Q. Okay. Were you in uniform?
[5] A. Correct.
[6] Q. Okay. And were you assigned a patrol car that
[7] night?
[8] A. A black Chevy Blazer.
[9] Q. Okay. Is it marked?
[10] A. It's not marked, but I have blue lights and sirens
[11] in it.
[12] Q. Okay. But it has no decals on the side that say --
[13] A. During that time, I had a sticker in the back window
[14] that had police K-9. And I also have a blue
[15] municipal tag on the back of it.
[16] Q. Okay. Otherwise, are there any markings on that
[17] vehicle to indicate that it belongs to the
[18] Montgomery Police Department?
[19] A. I have antennas on the top. My lights can be seen
[20] from the outside of the vehicle. So, yeah, it
[21] stands out as a police vehicle. The windows are all
[22] blacked out and everything in the back.
[23] Q. Okay. Now -- I'm sorry. You said it was a

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[1] Suburban?
[2] A. No. I want to say a Chevy Blazer.
[3] Q. Blue?
[4] A. That's what I was driving that night, yeah.
[5] Q. Okay. Do you know what year?
[6] A. Ninety -- it was a ninety something. I don't know.
[7] Q. Okay. Late nineties?
[8] A. Late nineties, yeah.
[9] Q. Okay. Do you know why it is that you're driving
[10] basically an unmarked vehicle?
[11] A. That's just the vehicle --
[12] **MR. WHITEHEAD:** Object to the form. Go
[13] ahead.
[14] A. Those were the vehicles we were assigned.
[15] Q. Okay. Are all K-9 officers assigned unmarked
[16] vehicles?
[17] A. Correct.
[18] **MR. WHITEHEAD:** Object to the form.
[19] Q. Okay. As a matter of fact, there's a K-9 manual
[20] that you're given as a K-9 officer, is there not?
[21] A. Correct.
[22] Q. And it indicates that K-9 officers are given
[23] unmarked vehicles, does it not?

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[1] A. Correct.
[2] Q. Okay. So you considered the vehicle that you were
[3] operating that night to be unmarked; is that
[4] correct?
[5] **MR. WHITEHEAD:** Object to the form.
[6] A. It was unmarked, correct. But -- I mean, it had the
[7] markings that I explained earlier on it.
[8] Q. Okay.
[9] A. The antennas and the tinted windows and the blue
[10] lights.
[11] Q. All right. What are the typical duties of a K-9
[12] officer working third shift?
[13] A. K-9, our main duties are to assist patrol in
[14] apprehending. Our main goal is to apprehend
[15] felonies -- felons and also assist patrols on
[16] alarms.
[17] Q. Okay.
[18] A. And felonies would be robberies, burglaries,
[19] anything like that.
[20] Q. Okay. And do you have a recollection of being
[21] dispatched to Arnaud's Quality Meats on the Eastern
[22] Boulevard on March 31, 2005?
[23] A. Correct.

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[1] Q. Okay. And how did you get dispatched to Arnaud's
[2] Quality Meats?
[3] A. I was assisting patrol on a call. Which, initially,
[4] dispatch patrol is always -- a K-9 unit is a back-up
[5] unit to an alarm. I don't remember what unit it
[6] was. But I was the back-up unit on that call.
[7] Q. Okay. Back-up unit to whom?
[8] A. Patrol.
[9] Q. Okay. And anyone in particular on patrol?
[10] A. I was just on that side of town, so I assisted
[11] patrol.
[12] Q. You were the closest?
[13] A. Correct.
[14] Q. Okay.
[15] A. I think I was assigned to east side that night.
[16] Q. Okay. During your post training, did you receive
[17] training in radio operations and communications?
[18] A. Correct.
[19] Q. Okay. And is there a certain protocol that is to be
[20] used by officers in and during their communications
[21] over the radio?
[22] **MR. WHITEHEAD:** Object to the form.
[23] A. It depends. What -- could you just ask the question

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[1] another way. What do you mean by that?
[2] Q. Sure. Is there a certain procedure that you're
[3] taught when using radio communications with, say,
[4] dispatch?
[5] A. Correct.
[6] Q. Okay. And are you, during your post training,
[7] taught certain codes for different events or alleged
[8] crimes?
[9] A. Correct.
[10] Q. Okay. And are you taught to use those codes in your
[11] communications with dispatch?
[12] A. Correct.
[13] Q. Okay. Did you receive from dispatch any code in
[14] regard or reference to Arnaud's Meat that night?
[15] A. I did.
[16] Q. Okay. And, by the way, if I'm not specific as to
[17] time and date, generally, I'm always going to be
[18] referring to the events of March 31, 2005.
[19] A. Okay.
[20] Q. All right. And I know that it happened late at
[21] night and maybe some of the events rolled over into
[22] the next day, which would have been April the 1st I
[23] believe --

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[1] A. Okay.
[2] Q. -- 2005. You were telling me earlier that you have
[3] a dog actually assigned to you; is that correct?
[4] A. Correct.
[5] Q. Okay. Is the dog that you had on March the 31st the
[6] same dog you have today?
[7] A. It is.
[8] Q. Okay. And what's that dog's name? Or do you --
[9] A. Osko. O-S-K-O.
[10] Q. O-S-K-O. And what type of dog is that?
[11] A. He's a German Shepherd.
[12] Q. German Shepherd. All right. Male?
[13] A. Uh-huh.
[14] Q. How old is Osko today?
[15] A. I want to say he's five.
[16] Q. Five. And you've had him for how long?
[17] A. I've been in K-9 now for, say, two and a half
[18] years. I've had him since then.
[19] Q. And he came to you with a certain degree of
[20] training; right?
[21] A. Correct.
[22] Q. Okay. Was Osko doing fieldwork? Was he doing work
[23] with another police officer before he was assigned

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[1] Q. Okay. So you --
[2] A. My next -- my next immediate supervisor would have
[3] been Corporal M-A-R-A -- M-O-R-A. I'm sorry.
[4] Q. Mora?
[5] A. Uh-huh. Mora. He's a senior corporal.
[6] Q. I mean -- I'm asking this question, because I really
[7] just don't understand because I'm not a police
[8] officer. But that night -- let's say if you had to
[9] take a break or you needed permission to go for your
[10] meal break or something like that, who would you
[11] report to? Would you have to ask for permission, or
[12] do you do that on your own or what?
[13] A. To take a meal break? No. I just get on the radio
[14] and take my meal break.
[15] Q. What if you needed --
[16] A. I'll let dispatch know that I'm about to take my
[17] lunch break.
[18] Q. Okay. What if you needed permission to do something
[19] else? Would you go directly to Caulfield, or would
[20] you go to Mora first?
[21] A. It'd depend on the circumstance that I needed.
[22] Q. Okay. Can you give me an example of when you would
[23] go to Mora rather than Caulfield?

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[1] to you?
[2] A. Yes, sir.
[3] Q. Okay. Was he actually doing K-9 patrol before he
[4] was assigned to you?
[5] A. Yes.
[6] Q. Okay. Who was your immediate supervisor the night
[7] in question?
[8] A. Lieutenant Billy Caulfield.
[9] Q. Caulfield?
[10] A. Uh-huh.
[11] Q. Okay.
[12] A. C-A-U-L-F-I-E-L-D.
[13] Q. You say he was a lieutenant then?
[14] A. Yes.
[15] Q. Okay. Did you have -- and your rank at the time was
[16] what?
[17] A. A police officer.
[18] Q. Okay. Did you have any kind of supervisor between
[19] Lieutenant Caulfield and yourself at the time?
[20] A. I mean, I have -- everyone else in the unit are
[21] corporals. Before we -- I mean, that's the chain of
[22] command. Corporal -- our sergeant was on military
[23] leave, so he wasn't there. And then the lieutenant.

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[1] A. Just -- you give me a situation and I'll tell you
[2] who I would have gone to.
[3] Q. Your wife called on the phone and there's an
[4] emergency at the house and she needs you for ten
[5] minutes?
[6] A. I'd probably let Lieutenant Caulfield know the
[7] circumstances on that.
[8] Q. Okay. You're riding down the road in the Blazer and
[9] you get a flat tire, what do you do?
[10] A. I would take that upon myself and change it.
[11] Q. Okay. Well, can you name any circumstance where you
[12] would have to get permission from Corporal Mora
[13] first?
[14] A. Well -- I mean, if anything happened -- an incident
[15] or something like that happened, I'll notify him and
[16] let him know as far as going up the chain on
[17] something.
[18] Q. Okay. Regarding the radio procedures and the codes
[19] that you would use, what would -- if you received a
[20] burglary call from dispatch --
[21] A. Uh-huh.
[22] Q. Well, first of all, does the call just go out
[23] generally and then you as a police officer know that

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[1] you're in that area and then you respond to
[2] dispatch? Or does dispatch actually call you and
[3] say, you're there, I need you to go?
[4] A. Patrol, she would do that. But us, we just -- like
[5] I said, we back up units. If we're in area, we get
[6] en route to the call.
[7] Q. Okay. And what's the code for a burglary?
[8] A. It's an 11.
[9] Q. An 11. Okay. So when you get a call for, let's
[10] say, a burglary, and you're arriving at the address
[11] in question --
[12] A. Uh-huh.
[13] Q. -- what by way of radio protocol are you supposed to
[14] do once you get there?
[15] A. I can either press a button on my computer and it'll
[16] show me -- that I've arrived, or I can get on the
[17] radio and tell her that I'm 10-17. 10-17 is the
[18] code.
[19] Q. 10-17 means you've arrived on the scene?
[20] A. Correct.
[21] Q. Okay. How is -- and, again, back on March 31, 2005,
[22] how was Osko kept in your Blazer? Is he by your
[23] side? Is he in the back?

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[1] A. No.
[2] Q. Okay. So was the call -- to whom?
[3] A. To patrol.
[4] Q. Okay. Just patrol generally?
[5] A. Right.
[6] Q. Okay. And you responded?
[7] A. Right.
[8] Q. Okay. And was it a Code 11?
[9] A. Right.
[10] Q. Okay. And tell me what you did in response to the
[11] dispatch call for Code 11.
[12] A. I got on the radio, used my unit number, 150, at the
[13] time. I told her that I would be en route. I don't
[14] know where I was coming from. I can't remember.
[15] And I got en route to the call. And I proceeded to
[16] the business.
[17] Q. Okay. And when you arrived at the business, what's
[18] the -- first of all, what was the weather like?
[19] A. It had been raining. During the time -- I don't
[20] know if it was raining when I was en route to the
[21] call or not. That night it had been raining all
[22] night. Just a wet night.
[23] Q. Okay. And when you arrived at the scene, what's the

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[1] A. He's free roam in my truck. He can -- everywhere I
[2] go in my truck he can go.
[3] Q. Okay.
[4] A. He's not -- there's no divider or anything in it.
[5] He can -- I mean, he can go all around the truck if
[6] he wants to.
[7] Q. Okay. Is he kept on a leash at all times?
[8] A. Not in the truck, no.
[9] Q. Okay. When outside the truck, do you put him on a
[10] leash or...
[11] A. It depends on -- I mean, why he's out of the truck.
[12] It just depends.
[13] Q. Okay. On the night in question, were -- was anyone
[14] else with you in your vehicle?
[15] A. Myself and my partner.
[16] Q. Okay. And your partner is Osko?
[17] A. Correct.
[18] Q. Okay. And did you receive a call from dispatch
[19] regarding Arnaud's Meats?
[20] A. Correct.
[21] Q. All right.
[22] A. I assisted patrol on the call.
[23] Q. Okay. So the call didn't come directly to you?

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[1] -- when you arrived at Arnaud Meats, what's the
[2] first thing you saw?
[3] A. When I pulled into the business, my normal protocol
[4] would be, my training in the academy, you pull into
[5] an alarm, you turn your lights off. That way if
[6] suspects, or suspect, are there they can't see you
[7] coming in. I pulled off of the boulevard on to the
[8] service road. I don't know the exact name of the
[9] service -- it may be the Northern Boulevard. It's
[10] just a service road on the side. I turned my lights
[11] off. I noticed a vehicle parked in the parking lot
[12] and an unknown subject running back to the vehicle
[13] and get into the vehicle -- into the back seat of
[14] the vehicle. The vehicle pulled off. I continued
[15] to go to the building. I looked over, and I saw the
[16] window unsecured. At the time, I didn't know if it
[17] was busted or just raised or what it was. I
[18] immediately followed the car.
[19] Q. Okay. I'd asked you what was the first thing you
[20] saw. So the first --
[21] A. The car was the first thing I noticed.
[22] Q. You noticed the car --
[23] A. Correct.

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[1] Q. -- before you noticed the window?
[2] A. Correct. Because I hadn't made it to the business.
[3] Q. Okay. And what kind of car was it?
[4] A. It was a -- don't get me wrong, it's been a while.
[5] I want to say a Lincoln Town Car.
[6] Q. Do you know what year?
[7] A. No. I can't remember it.
[8] Q. Do you remember the color?
[9] A. I want to say white. I can't remember exactly,
[10] though.
[11] Q. White?
[12] A. I want to say white. I can't remember.
[13] Q. Okay. Definitely a lighter color?
[14] MR. WHITEHEAD: Object to the form.
[15] A. Correct.
[16] Q. Okay. You got a Code 11. Is there a specific code
[17] for a business alarm going off?
[18] A. It's an 11 Bravo.
[19] Q. An 11 Bravo?
[20] A. Bravo.
[21] Q. Okay. And does that indicate whether or not it's a
[22] silent or audible alarm?
[23] A. No.

[1] Q. Okay. Which direction was the Town Car facing? Let
[2] me -- we're talking about the parking lot next to
[3] Arnaud's Meats; right?
[4] A. Yes, sir.
[5] Q. All right. As a matter of fact, why don't we draw
[6] ourself a diagram.
[7] A. Okay.
[8] Q. Draw -- you know, and I understand everybody --
[9] nobody's a perfect artist, but -- and nobody's going
[10] to hold you to the art of scale. But, if you would,
[11] just draw Arnaud's Meats for me --
[12] A. (Witness complies).
[13] Q. -- and where the window that was open or broken
[14] was.
[15] A. The window would be on the side right there.
[16] Q. And then the Eastern Boulevard and the service
[17] road.
[18] A. That would be the service road.
[19] MR. WHITEHEAD: Yeah. Let's label this
[20] stuff a little. Write Arnaud's up top and
[21] window where the star is.
[22] Q. And Wares Ferry.
[23] A. (Witness complies).

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[1] Q. Okay. When you drove up, were you able to hear any
[2] kind of alarm going off?
[3] A. Yes.
[4] Q. You were? Okay. And do you have any idea how long
[5] that alarm had been going off?
[6] A. No. Dispatch didn't -- I mean, we -- we don't ever
[7] know that.
[8] Q. Okay. From the time that you received the Code 11
[9] from dispatch until you arrived at Arnaud's Meats,
[10] how much time do you think lapsed?
[11] A. I want to say maybe three to five minutes at the
[12] most.
[13] Q. Three to five minutes?
[14] A. It didn't take that long.
[15] Q. Okay. And you --
[16] A. But we'll just say no more than ten minutes. We'll
[17] just put it that way for the Record.
[18] Q. Okay. That's fine. I mean, if you don't know, you
[19] just don't know.
[20] And you don't remember exactly where you were
[21] when you -- when you received the call from
[22] dispatch?
[23] A. I can't recall exactly where I was coming from. no.

[1] Q. Okay. And -- I believe that's correct. And from
[2] which direction did you come when you were
[3] dispatched for the call?
[4] A. I was coming in off of this way turning in right
[5] there.
[6] Q. Okay. So you were coming off of Wares Ferry?
[7] A. I was -- no. I was coming off the Eastern
[8] Boulevard -- well, the Northern Boulevard. If
[9] that's the way going back south, I was coming this
[10] way.
[11] Q. So you --
[12] A. I was coming in that way. And I was getting over --
[13] I was in the turning lane to turn into the business.
[14] Q. Yes, sir.
[15] A. And I turned in that way.
[16] Q. All right. And -- so you turned in on the side
[17] nearest the window?
[18] A. Correct.
[19] Q. Okay. And where was -- I'm going to say Lincoln
[20] Town Car. Even though I understand you weren't
[21] absolutely sure it was a Lincoln Town Car.
[22] A. The car was parked, I would say, about right there
[23] facing -- the arrow is pointing the way the car was

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[1] facing.
[2] Q. Okay. And where exactly was this suspect that you
[3] saw?
[4] A. Okay. When I was turning in, I'd say about maybe
[5] there.
[6] Q. Approximately halfway in between the car and Arnaud
[7] Meats?
[8] A. Right. Coming from that direction.
[9] Q. Do you want to label that suspect?
[10] A. (Witness complies).
[11] Q. Okay. And approximately where were you when you
[12] could first hear the alarm?
[13] A. Well, when I drove up to the business, when the car
[14] pulled off, that's when I heard the alarm. When I
[15] was coming up to the business.
[16] Q. Okay. Describe for me the individual that you saw
[17] walking away from the window.
[18] A. It was an unknown black male with dark pants and a
[19] -- it was either a gray or white T-shirt.
[20] Q. Okay. Was it this gentlemen here (indicating)?
[21] A. Correct.
[22] Q. And you're one hundred percent positive that it was
[23] this gentleman here?

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[1] can tell me?
[2] A. In feet?
[3] MR. WHITEHEAD: Object to the form.
[4] A. Yeah. I don't know the exact -- I'm sorry.
[5] Q. Is there another unit of measurement that you prefer
[6] to use. Maybe --
[7] A. I'd say maybe from there to there (indicating) -- we
[8] can use a football field. I'd say maybe thirty
[9] yards, if that.
[10] Q. Okay.
[11] A. Twenty, thirty yards.
[12] Q. Okay. And you said you couldn't remember as you
[13] were driving to Arnaud's Meats what the weather was
[14] like. Can you remember what the weather was like as
[15] you were actually driving up into the parking lot at
[16] Arnaud's Meats?
[17] A. It -- I know it wasn't raining. It was wet.
[18] Q. Okay. And do you remember the time?
[19] A. No.
[20] Q. Okay. Can you recall whether or not it was before
[21] or after midnight?
[22] A. I don't recall.
[23] Q. Okay. Did you make any radio call back to dispatch

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[1] A. Correct.
[2] Q. Okay.
[3] MR. NELMS: And I'm pointing at
[4] Mr. Hogan.
[5] Q. Can you tell me, then, what the suspect did?
[6] A. Okay. As I said earlier, he ran back to the vehicle
[7] and got into the back passenger side of the car.
[8] Q. Back right?
[9] A. Passenger, right. Back passenger side.
[10] Q. Okay. And did you have -- you said earlier that
[11] you're trained when you come upon a Code 11 you keep
[12] your lights off -- your emergency lights off?
[13] A. My headlights and everything.
[14] Q. Everything?
[15] A. Right.
[16] Q. Okay. Did there come a point in time when you
[17] turned your lights on?
[18] A. Right. When the car left the business, I turned my
[19] lights on then, because I knew I was going to try to
[20] stop the car.
[21] Q. Okay. What was the approximate distance for, let's
[22] say, the front bumper of this car and the side here
[23] on the northern end of Arnaud's Meat in feet, if you

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[1] when you arrived on the scene?
[2] A. I don't recall that either. I don't -- I don't know
[3] if other units were on the radio. I don't know if I
[4] got -- I can't remember.
[5] Q. Okay. Did you maybe call 10-17?
[6] A. I don't know if I got it on the radio or if I did it
[7] on my computer.
[8] Q. Okay. Did you at any point in time indicate that
[9] you -- after you arrived on the scene, that you saw
[10] the car?
[11] A. I can't recall if I immediately said that, because I
[12] was trying to keep watch on the car. And -- I know
[13] when I -- when I attempted to stop the car after the
[14] car left the area, I did get on the radio because I
[15] called for more units to come assist me.
[16] Q. Okay. Do you recall when you first made a call to
[17] dispatch in reference to Arnaud's Meats or the
[18] suspect?
[19] A. I don't recall.
[20] Q. Okay. And did you make -- okay. So the first thing
[21] that you can recall doing as far as radio
[22] communications is calling for backup?
[23] A. Correct.

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[1] Q. Okay. And what exactly did you say, if you recall?
[2] MR. WHITEHEAD: Object to the form.
[3] A. I don't know exactly what I said, but I advised them
[4] what I had. I told them I had a vehicle that left
[5] the business. I was approaching the vehicle and the
[6] vehicle fled. I asked for more units to come
[7] assist -- come and assist me. I don't know if I
[8] said it that way or not.
[9] Q. Okay. Well, let's talk about it for just a second.
[10] Now, you said that the vehicle fled. Using the
[11] little diagram that we've made here --
[12] A. Okay.
[13] Q. -- tell me --
[14] A. Here's the trailer park. I just -- the trailer park
[15] is all this right here (indicating). The vehicle
[16] pulled out, and they pulled right about there.
[17] That's going to be my vehicle. I'll label it SV for
[18] suspect vehicle.
[19] Q. Okay.
[20] A. And PV for police vehicle.
[21] Q. Okay.
[22] A. About right there, that's where I stopped them. I
[23] exited my vehicle. I got about maybe right there to

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[1] Q. I mean, it's pretty expansive. That's my
[2] characterization.
[3] So were you -- let's see. That would be to the
[4] west is where the trailer park is; right?
[5] A. Right. West, yeah.
[6] Q. If you can --
[7] A. To the west of the boulevard, yeah. Right.
[8] Q. If you can --
[9] A. Uh-huh.
[10] Q. -- considering that entire -- that entire parking
[11] lot -- and I'll guess it's several acres. How deep
[12] into the parking lot were you at this time when you
[13] attempted to initiate the stop?
[14] A. I'm -- I want to say the street's Barberry.
[15] Q. Yes, sir.
[16] A. Wherever Barberry is in there. I don't know. Like
[17] I said, I was watching the car. I don't know how
[18] many streets I went over and up and all that stuff.
[19] I don't know.
[20] Q. So you actually had left the parking lot and were on
[21] the surface streets in the trailer park when you
[22] initiated the stop?
[23] A. We're in the trailer park, right.

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[1] theirs. They immediately fled the area.
[2] Q. Okay. So you pulled in along behind them. Did you
[3] initiate your emergency lights?
[4] A. That's when I initiated my emergency lights, and
[5] they -- they pulled over and stopped.
[6] Q. Okay. Did you, at this time -- is this still in the
[7] parking lot, or do you consider this still in the
[8] parking --
[9] A. I ran out of room on the paper. No. It's -- it's
[10] in the trailer park behind the store. It's a
[11] trailer park behind the store. And whatever street
[12] that is in the -- I don't know. I think -- I want
[13] to say Barberry (phonetic) maybe. Barberry Street
[14] or Barberry Drive.
[15] Q. Okay.
[16] A. I'm not sure.
[17] Q. Well -- I'm familiar with the parking lot. I assume
[18] you're familiar with the parking lot. It's a big
[19] parking lot.
[20] A. Correct.
[21] Q. I mean, like the type you would see in front of a
[22] Bruno's or something.
[23] A. Yeah.

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[1] Q. Okay. Which direction are you headed once you're in
[2] the trailer park, and when you attempt to initiate
[3] the stop for the first time?
[4] A. That's why I have the car facing that way.
[5] Q. All right. So you were facing north?
[6] A. Right.
[7] Q. All right. So you had turned onto one of the
[8] streets inside the trailer park heading north when
[9] you attempted to stop them?
[10] A. When they stopped.
[11] Q. Okay. And they came to a stop?
[12] A. Right.
[13] Q. Okay. Were you able to have visual contact with any
[14] of the suspects at the time?
[15] A. No. Like I said, I was approaching the vehicle. I
[16] never made it up to the vehicle when the vehicle
[17] fled.
[18] Q. Were you able to count the number of people in the
[19] car?
[20] A. Not at that time, no.
[21] Q. Okay. Did you have any idea -- for instance, did
[22] you know there was more than one?
[23] A. I knew it was more than one, right. Because the guy

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<p style="text-align: right;">Page 37</p> <p>[1] I saw get back in got in the back seat. So it had [2] to be more than one. [3] Q. Okay. And which direction did they go after -- [4] A. After that they -- it's another street that runs [5] back up. They were coming back this way. Coming [6] back towards the business. And they made that -- [7] that would be a left. And they came back out and we [8] went around the business onto Wares Ferry Road. [9] Q. All right. So they went back around, hit the [10] service road -- [11] A. Yeah. Well, I -- I don't know -- I don't think we [12] came all the way out to the service road. If you [13] know the parking lot, the big lot goes all the way [14] back out. [15] Q. Yeah. [16] A. So they went -- I know we did pass -- I'm sorry. We [17] passed the business and went back around front and [18] went back around and went out to Wares Ferry. [19] Q. Okay. And when you hit Wares Ferry Road, which [20] direction of travel did you take? [21] A. We were going this way (indicating). [22] Q. West. Which is towards town? [23] A. Right.</p>	<p style="text-align: right;">Page 39</p> <p>[1] Q. Okay. If you know, if you made such a [2] communication -- and, I believe, you said already [3] you don't recall. That's right? [4] A. Correct. [5] Q. Is that communication through your in-car computer [6] recorded in any way? [7] A. I'm not sure. [8] Q. Okay. [9] A. It's not -- it's not an actual communication type [10] deal. It's just I press a button and it will show [11] me 10-17 or 10-08 or what -- I mean, it's not a [12] conversation. [13] Q. I understand. [14] A. I can't -- I can't talk to the computer and tell it [15] what I want it to tell the dispatcher, no. [16] Q. But you press a function key? [17] A. Right. [18] Q. And that information, whatever -- [19] A. It's sent to her. And it will show her that I'm [20] there, right. [21] Q. At dispatch? [22] A. Right. [23] Q. Okay. Regarding this lawsuit, other than</p>
<p style="text-align: right;">Page 38</p> <p>[1] Q. Okay. And tell me about any radio communications [2] that you had that you were -- can recall from when [3] you attempted to initiate the stop until you hit [4] Wares Ferry Road? [5] A. When I attempted to initiate the stop, I told her [6] what I had. When they pulled off, that's when I -- [7] I know I got on radio. I told her I had a vehicle [8] that just pulled off from me. I asked for more [9] units to come and assist me. I knew right then they [10] were -- they were going to refuse to stop. We got [11] onto Wares Ferry Road, I asked for a unit. I gave [12] her my location, and I told her the speed and where [13] we were going. And, at that time, other units got [14] on the radio and let her know that they were en [15] route to back me up. [16] Q. Okay. Regarding the -- you said there's two forms [17] of communication that you can have. One is through [18] dispatch on your radio, and the other is through [19] your in-car computer system? [20] A. Correct. [21] Q. Okay. And you said you can reach down and press a [22] button; right? [23] A. Right.</p>	<p style="text-align: right;">Page 40</p> <p>[1] conversations that you've had with your counsel, [2] your legal counsel -- [3] A. Uh-huh. [4] Q. -- since the night of the incident -- [5] A. Uh-huh. [6] Q. -- have you talked to any other person about the [7] facts surrounding the arrest of Chad Hogan? [8] A. What do you mean, any other person? I mean, besides [9] counsel? I've talked to internal affairs. [10] MR. WHITEHEAD: Let me tell you this, too. [11] Any conversation that you had with the other [12] defendants while we were all here together -- [13] THE WITNESS: Right. [14] MR. WHITEHEAD: Because I represent all of [15] you. Don't even talk about anything about [16] that. [17] THE WITNESS: Right. [18] A. Besides that, no. Besides with my counsel and the [19] other defendants, no. [20] Q. (By Mr. Nelms) Okay. And I believe you said that [21] Lieutenant Caulfield is a supervisor? [22] A. Correct. [23] Q. He's also a defendant; correct?</p>

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<p style="text-align: right;">Page 41</p> <p>[1] A. Correct.</p> <p>[2] Q. Okay. So have you had meetings with your lawyers</p> <p>[3] where Lieutenant Caulfield was present?</p> <p>[4] MR. WHITEHEAD: Object to the form. And</p> <p>[5] don't answer that. That's the -- anything that</p> <p>[6] we did is going to be privileged about</p> <p>[7] meetings we had or details that who was</p> <p>[8] present.</p> <p>[9] Q. Without telling me the subject matter that was</p> <p>[10] discussed, have you had any meetings with your</p> <p>[11] counsel where Lieutenant Caulfield was present?</p> <p>[12] MR. WHITEHEAD: You can answer that.</p> <p>[13] A. Yes.</p> <p>[14] Q. How many?</p> <p>[15] A. I don't know. I don't recall.</p> <p>[16] Q. More than one?</p> <p>[17] A. Yes.</p> <p>[18] Q. Less than six?</p> <p>[19] A. Probably less than six, yes, sir.</p> <p>[20] Q. Okay.</p> <p>[21] A. I don't recall. I mean, I don't know the exact</p> <p>[22] number.</p> <p>[23] Q. Okay. Was Chief Baylor at any of those meetings?</p>	<p style="text-align: right;">Page 43</p> <p>[1] Q. Okay. Tell me about the substance of those -- that</p> <p>[2] conversation.</p> <p>[3] A. I mean, I had to tell him what I had. I mean, he</p> <p>[4] knew -- he was listening to the radio. And I kept</p> <p>[5] him up to date on the circumstances of the arrest</p> <p>[6] and everything.</p> <p>[7] Q. Okay. What would he have heard on the radio?</p> <p>[8] MR. WHITEHEAD: Object to the form.</p> <p>[9] A. He would have heard the radio traffic. He's</p> <p>[10] assigned the same radio I am. So all radio traffic</p> <p>[11] that I can hear, he can hear, also.</p> <p>[12] Q. Okay. Now, I believe you said that you turned on to</p> <p>[13] Wares Ferry Road and headed towards downtown, which</p> <p>[14] we believe is west; is that correct?</p> <p>[15] A. Yes.</p> <p>[16] Q. Okay. Pick up from there and tell me what</p> <p>[17] happened.</p> <p>[18] A. As I said, I requested more units to come assist</p> <p>[19] me. I want to say the pursuit may have lasted maybe</p> <p>[20] five minutes. Ten minutes at the most.</p> <p>[21] Q. Okay.</p> <p>[22] A. I don't know the exact name of the streets they</p> <p>[23] turned on to. But the vehicle eventually wrecked.</p>
<p style="text-align: right;">Page 42</p> <p>[1] A. No.</p> <p>[2] MR. WHITEHEAD: Stop. This is -- how many</p> <p>[3] meetings I've had with my client is just as</p> <p>[4] privileged as what the substance of the</p> <p>[5] conversation was. If you disagree, so be it.</p> <p>[6] But I'm going to instruct him not to answer any</p> <p>[7] more questions about how many meetings we had,</p> <p>[8] or who was at the meetings, or anything like</p> <p>[9] that. It's privileged. I'm going to instruct</p> <p>[10] him not to answer any further questions on</p> <p>[11] that?</p> <p>[12] Q. Are you going to answer the question?</p> <p>[13] A. No.</p> <p>[14] Q. Did you ever have any conversation with Lieutenant</p> <p>[15] Caulfield outside the presence of your counsel in</p> <p>[16] regard to any matters related to Chad Hogan?</p> <p>[17] A. No. Not that I can recall, no.</p> <p>[18] Q. Okay. Any conversations with Lieutenant Caulfield</p> <p>[19] on the night of March the 31st in regard to the</p> <p>[20] arrest of Chad Hogan?</p> <p>[21] A. Correct. He's my supervisor.</p> <p>[22] Q. So you did have a conversation with him that night?</p> <p>[23] A. That night, yes.</p>	<p style="text-align: right;">Page 44</p> <p>[1] Q. Okay. What, were they traveling at a high rate of</p> <p>[2] speed?</p> <p>[3] A. Yes, sir.</p> <p>[4] Q. Okay. Did they run any stop signs?</p> <p>[5] A. Yes, sir.</p> <p>[6] Q. Okay.</p> <p>[7] A. Well, there's no stop signs on Wares Ferry Road.</p> <p>[8] Q. All right.</p> <p>[9] A. In the neighborhood, I don't recall. I don't know</p> <p>[10] if they ran any stop signs or not.</p> <p>[11] Q. Okay. On Wares Ferry Road did they run any traffic</p> <p>[12] lights?</p> <p>[13] A. There's no traffic lights --</p> <p>[14] Q. Okay.</p> <p>[15] A. -- in the area that we were traveling.</p> <p>[16] Q. All right. But they did travel at a high rate of</p> <p>[17] speed?</p> <p>[18] A. Correct.</p> <p>[19] Q. All right. Did they exceed the speed limit at any</p> <p>[20] time?</p> <p>[21] A. Correct.</p> <p>[22] Q. Okay. Did they cross over the center line at any</p> <p>[23] time?</p>

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[1] A. I can't recall that. I don't know.
[2] Q. Okay. Did they fail to use turn signals at any
[3] time?
[4] A. Correct.
[5] Q. Okay. Do you recall exactly where the wreck
[6] occurred?
[7] A. That's what I said. I can't remember the street
[8] names.
[9] Q. Okay. If I told you the report said Warenwood,
[10] would that refresh your recollection?
[11] A. If that's what my report says, yes, sir.
[12] Q. Okay. Well, not what your report says, but what do
[13] you remember? Do you remember it being Warenwood?
[14] A. That's what I'm telling you. I can't remember the
[15] street name.
[16] Q. Okay. That's fine. Well, tell me about the wreck.
[17] I mean, exactly how it occurred, if you know.
[18] A. Well, the vehicle wrecked into someone's privacy
[19] fence in their backyard. The passenger side of the
[20] vehicle was up against the fence. And the occupants
[21] of the vehicle immediately bailed from the vehicle.
[22] Two exited the front driver's side, because they
[23] couldn't get out of the passenger's side. And the

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[1] A. When it wrecked -- maybe thirty yards when it
[2] wrecked.
[3] Q. Okay. And tell me, to the best of your
[4] recollection, exactly what you did after the wreck.
[5] A. After the wreck, when they bailed -- the driver, the
[6] passenger, and the rear occupant of the vehicle
[7] bailed. I jumped out of the vehicle as well. And I
[8] chased them by foot to a fence -- another fence in
[9] the backyard.
[10] Q. Let me interrupt you. Where did you park or come to
[11] rest?
[12] A. The car went in the backyard and hit the fence, and
[13] I stayed on the street, whatever street it was.
[14] Q. Okay. And you jumped out of your car?
[15] A. Uh-huh.
[16] Q. Your vehicle?
[17] A. Uh-huh.
[18] Q. Osko went with you?
[19] A. Correct.
[20] Q. All right. Was he leashed or unleashed?
[21] A. He was unleashed.
[22] Q. Okay. And you proceeded to go after the fleeing
[23] suspect?

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[1] one in the back seat, he exited the rear seat of the
[2] vehicle -- rear driver's side door.
[3] Q. Okay. And did he -- was that Mr. Hogan?
[4] A. Correct.
[5] Q. Okay. So if I'm understanding you right, he
[6] exited -- he was on the left rear side or the
[7] driver's side in the rear of the vehicle. But he
[8] exited on the passenger's side; is that correct?
[9] A. Say that again.
[10] Q. Mr. Hogan was in the back seat; is that correct?
[11] A. Right.
[12] Q. Okay. Did he exit from the driver's side or the
[13] passenger's side?
[14] A. The driver's side.
[15] Q. He was able to --
[16] A. The back seat. He couldn't get out of the
[17] passenger's side, because they wrecked into a fence.
[18] Q. Oh, okay. I'm sorry. I misunderstood you. I
[19] thought it was the driver's side that was on the --
[20] A. No. The passenger's side.
[21] Q. Oh, I'm sorry. Okay.
[22] How close behind the Lincoln Town Car were you
[23] when it had the accident?

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[1] A. Correct.
[2] Q. Okay. And pick up from there.
[3] A. Okay. I kept my eye on the back passenger, because
[4] I knew he was the one that got in the vehicle. The
[5] two front people exited first. The back guy, he was
[6] the last one out. I chased him to the fence. The
[7] front guy went over the fence first and he went down
[8] into -- there was a drainage ditch over there. The
[9] other guy, he went to the right. And the last guy
[10] -- when we were running to the fence, before he can
[11] get over -- myself and my partner, we were pretty
[12] close to him. That's when he turned and he
[13] screamed. I don't know if it was in fear or what it
[14] was, but he turned -- turned and yelled (indicating
[15] sound) and he proceeded over the fence and he went
[16] to the left.
[17] Q. Okay. Which one of these individuals was Mr. Hogan?
[18] A. That -- the last one.
[19] Q. Okay. And just -- I'm going to ask you, please, if
[20] you'll just use Mr. Hogan's name so we'll be able to
[21] identify which --
[22] A. Okay. That's fine.
[23] Q. -- one we're talking about. And I'm really mostly

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[1] concerned about Mr. Hogan. The other suspects are
[2] not that important to me.
[3] A. That's fine.
[4] Q. But the other suspects left the area?
[5] A. All three attempted to leave the area, but all three
[6] went opposite directions.
[7] Q. All right.
[8] A. Right.
[9] Q. Now, were there four people total?
[10] A. I only saw three.
[11] Q. Okay.
[12] A. I only pursued three on foot.
[13] Q. Okay. And that includes Mr. Hogan?
[14] A. Correct.
[15] Q. So it was Mr. Hogan --
[16] A. Mr. Hogan was the third -- the last subject to get
[17] over the fence.
[18] Q. All right. And tell me about your pursuit of
[19] Mr. Hogan.
[20] A. Okay. When I got to the fence, as I stated,
[21] Mr. Hogan, he turned around and he yelled -- he
[22] yelled. Like I said, I don't know if it was at my
[23] dog or in fear. He went left. I immediately held

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[1] that night.
[2] Q. Okay.
[3] A. And he was apprehended by another dog. Greg is the
[4] one that apprehended Mr. Hogan.
[5] Q. The dog's name is Greg?
[6] A. Greg, right.
[7] Q. G-R-E-G?
[8] A. Right.
[9] Q. And who is the officer?
[10] A. Corporal Mora. M-O-R-A.
[11] Q. Okay. And do you know exactly where it is that
[12] Mr. Hogan was apprehended?
[13] A. No. Not exactly, no.
[14] Q. Okay. Do you have, at the time, a video camera in
[15] your unit?
[16] A. No.
[17] Q. Okay. At the time, did Corporal Mora have a video
[18] camera in his unit?
[19] A. No.
[20] Q. Do you know who Kirk Pelham is?
[21] A. He was a detective, yes, sir.
[22] Q. Do you have any idea as to whether or not Kirk
[23] Pelham had a video camera in his vehicle?

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[1] my spot, which I'm trained to do. And I called for
[2] other units to get in the area. Some more K-9 units
[3] got in the area. And the spot that I last saw the
[4] subject run is where we began to track.
[5] Q. Okay. Then that happened?
[6] A. The track started, and Mr. Hogan was apprehended in
[7] a backyard not far from where I last saw him.
[8] Q. Okay. Are you leaving anything out?
[9] A. No.
[10] Q. Okay. How is it that Mr. Hogan came to be
[11] apprehended?
[12] A. He was apprehended by a K-9 --
[13] Q. Okay.
[14] A. By a K-9 dog.
[15] Q. Osko got him?
[16] A. Not Osko. It was another dog --
[17] Q. Okay.
[18] A. -- that apprehended Mr. Hogan.
[19] Q. All right. Was there another K-9 unit in the area?
[20] A. That's what I said. I held my spot, and I called
[21] for another K-9 unit to come and assist on the
[22] track. Due to it been raining and due to multiple
[23] suspects, we used two dogs. We did a dual track

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[1] A. I don't know.
[2] Q. You don't know? Okay. Have you had an opportunity
[3] to see any videotape related in any way to the
[4] arrest of Chad Hogan?
[5] A. No.
[6] Q. Okay. Have you had an opportunity to listen to any
[7] audiotape of radio transmissions related to the
[8] arrest of Chad Hogan?
[9] A. No.
[10] Q. All right. Tell me about any radio transmissions
[11] that you recall that night after you called dispatch
[12] informing them that you had -- that there had been a
[13] wreck and that the suspects were on foot.
[14] A. I mean, there were several. Like I said, I called
[15] for more units to come in the area and assist me.
[16] We let them know that K-9 was on the ground so they
[17] can stay off and they won't accidentally get bit by
[18] one of our dogs. When the subject was in custody,
[19] I'd -- I wasn't the one that apprehended him, so I
[20] wasn't the one to say that he was in custody over
[21] the radio. I mean, I can't recall everything that I
[22] said on the radio that night.
[23] Q. I understand. I'm just asking you to tell me what

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[1] you can recall.
[2] **A.** After that -- I mean, it was just general traffic.
[3] Just normal radio traffic.
[4] **Q.** Okay. Well, tell me about what you recall from the
[5] general radio traffic that you heard.
[6] **MR. WHITEHEAD:** Object to the form.
[7] **A.** I mean, I advised them what we had. I told them
[8] what we were doing. When we got done, we got off
[9] the ground. I can't -- I mean, I can't recall
[10] anything that I said. I can't remember, you know,
[11] everything that I said that night.
[12] **Q.** Okay. I understand, Officer. I -- I'm not asking
[13] what you said over the radio -- what transmissions
[14] you issued over the radio. I'm asking what you can
[15] recall --
[16] **A.** Hearing on the radio?
[17] **MR. WHITEHEAD:** Object to the form.
[18] **Q.** Yes.
[19] **A.** Now, that -- no, I can't. It's just -- we have a
[20] hundred or so people talking on the radio. I
[21] can't -- I don't know.
[22] **Q.** Okay. Anything specific to the Code 11 or the
[23] arrest of Chad Hogan?

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[1] **MR. WHITEHEAD:** Object to the form.
[2] **A.** I remember him saying that we -- we had a confirmed
[3] burglary. I remembered hearing that.
[4] **Q.** Who said that?
[5] **A.** I can't recall who said it.
[6] **Q.** But someone said you had a confirmed burglary?
[7] **A.** Yes. They said that the window -- at the time, they
[8] said the window was forced.
[9] **Q.** Okay.
[10] **A.** I don't know who said it, but someone said that.
[11] **Q.** All right.
[12] **A.** I mean, that's basically it. What I recall hearing.
[13] **Q.** All right. Do you have an understanding as to who
[14] said that?
[15] **MR. WHITEHEAD:** Object to the form.
[16] **A.** No, I don't know. That's what I just said. I don't
[17] know who said it.
[18] **Q.** I mean, would it be the officer on the scene, or
[19] would it have been --
[20] **A.** More than -- if someone said the window was
[21] forced --
[22] **MR. WHITEHEAD:** Object to the form.
[23] **A.** -- it was someone on the scene, yes, sir.

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[1] **Q.** Okay.
[2] **MR. NELMS:** What's the basis for your
[3] objection? This last one.
[4] **MR. WHITEHEAD:** Do what, now?
[5] **MR. NELMS:** I'm asking you what the basis
[6] for you objection is.
[7] **MR. WHITEHEAD:** Because I think it was
[8] confusing and speculative as to who said what
[9] on the radio. He -- once he said he didn't
[10] know. Asked and answered and speculative.
[11] **MR. NELMS:** All right.
[12] **Q.** Without speculating, is it likely that it was the
[13] officer on the scene at Arnaud's Quality Meats?
[14] **A.** Possibly.
[15] **MR. WHITEHEAD:** Object to the form. Same
[16] objection.
[17] **Q.** Do you know a Lieutenant Randy Jones?
[18] **A.** Yes.
[19] **Q.** Okay. And who is Lieutenant Jones?
[20] **A.** At the time, he -- I think he's retired now. At the
[21] time, he was a commander in detective division.
[22] **Q.** Okay. Was a supervisor of yours?
[23] **A.** No.

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[1] **Q.** Okay. But in the chain of command, he was a
[2] superior officer?
[3] **A.** Correct.
[4] **Q.** Okay. Have you had an opportunity to talk to
[5] Lieutenant Jones at any time about the arrest of
[6] Chad Hogan?
[7] **A.** No.
[8] **Q.** Have you talked to Lieutenant Jones at any time
[9] about what you recall or saw as you were there at
[10] Arnaud's?
[11] **A.** I never talked to Lieutenant Jones.
[12] **Q.** Okay. Who is Major West?
[13] **A.** He's Lieutenant Jones' boss.
[14] **Q.** Okay.
[15] **A.** He's the commander.
[16] **Q.** All right. Have you, since March 31, 2005, had a
[17] conversation with Major West regarding the events
[18] surrounding the arrest of Chad Hogan?
[19] **A.** No.
[20] **Q.** Okay. Who is Sergeant Tatum?
[21] **A.** He's a supervisor in the detective division.
[22] **Q.** Okay. Have you had any conversations with Sergeant
[23] Tatum since March 31, 2005 regarding the arrest of

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<p style="text-align: right;">Page 57</p> <p>[1] Chad Hogan?</p> <p>[2] A. No.</p> <p>[3] MR. NELMS: Give me just a second.</p> <p>[4] (Brief recess.)</p> <p>[5] Q. When you were driving up on the scene at Arnaud's</p> <p>[6] Quality Meats, did you have -- you said it was -- it</p> <p>[7] had been raining, but you don't think it was raining</p> <p>[8] at the time.</p> <p>[9] A. Right.</p> <p>[10] Q. Okay. And the streets were wet?</p> <p>[11] A. Right.</p> <p>[12] Q. Okay. And you had your lights off --</p> <p>[13] A. Right.</p> <p>[14] Q. -- as you drove up at Arnaud's Quality Meats?</p> <p>[15] Where exactly were you when you turned your</p> <p>[16] lights off?</p> <p>[17] A. I was turning off of the boulevard.</p> <p>[18] Q. Okay. So you were, like, in that median area that</p> <p>[19] you --</p> <p>[20] A. In the general area where I could see the business,</p> <p>[21] right.</p> <p>[22] Q. Okay. And is that -- to the best that you remember,</p> <p>[23] that night was the parking lot lit?</p>	<p style="text-align: right;">Page 59</p> <p>[1] A. When I was driving past it.</p> <p>[2] Q. Okay. And you don't recall whether your windows</p> <p>[3] were up or down at the time?</p> <p>[4] A. If I heard the alarm, my window was down.</p> <p>[5] Q. Down?</p> <p>[6] A. Yes.</p> <p>[7] Q. Okay. What did it sound like?</p> <p>[8] A. It sounded like a burglar alarm.</p> <p>[9] Q. Was it a chirping sound?</p> <p>[10] A. I can't recall that.</p> <p>[11] Q. Okay. You are familiar with the different sounds</p> <p>[12] that alarms could make?</p> <p>[13] A. Yes, sir.</p> <p>[14] Q. Some of them make a shrieking sound. Some of them</p> <p>[15] make a ringing sound. Some of them make a whistling</p> <p>[16] sound. You can't recall --</p> <p>[17] A. I can't recall, no.</p> <p>[18] Q. -- or describe in any way?</p> <p>[19] A. No.</p> <p>[20] Q. Okay. If you were to make a call in to dispatch</p> <p>[21] while you were in the proximity of Arnaud's Meats,</p> <p>[22] to the best of your knowledge, would that radio</p> <p>[23] communication have picked up the sound of the alarm</p>
<p style="text-align: right;">Page 58</p> <p>[1] A. I can't recall.</p> <p>[2] Q. Okay. Do you have a civilian radio in your</p> <p>[3] vehicle? Or that night did you have a civilian</p> <p>[4] radio in your vehicle?</p> <p>[5] A. What do you mean?</p> <p>[6] Q. I mean a regular am/fm radio?</p> <p>[7] A. Yes, sir.</p> <p>[8] Q. Did you have it on or off?</p> <p>[9] A. I can't remember.</p> <p>[10] Q. Okay. Do you -- do you patrol with your civilian</p> <p>[11] radio on at times?</p> <p>[12] A. Sometimes. It depends on what's on the radio.</p> <p>[13] Q. Okay. When you drove up to Arnaud's Meats, did you</p> <p>[14] have your windows rolled up or rolled down?</p> <p>[15] A. I can't remember that either.</p> <p>[16] Q. Okay. Where were you when -- I believe you said</p> <p>[17] earlier that you could hear the alarm going off from</p> <p>[18] the business; is that correct?</p> <p>[19] A. When I drove to the business, yes, I heard it.</p> <p>[20] Q. Where approximately were you in reference to the</p> <p>[21] building when you first heard the alarm?</p> <p>[22] A. Maybe about twenty to thirty feet from it.</p> <p>[23] Q. Okay.</p>	<p style="text-align: right;">Page 60</p> <p>[1] going off?</p> <p>[2] A. It depends on -- if I would have been where I was</p> <p>[3] when I heard it, yes, sir.</p> <p>[4] Q. Okay. When you first made your call to report that</p> <p>[5] you were 10-17, do you believe you were close enough</p> <p>[6] to Arnaud's Meats that the alarm could have been</p> <p>[7] picked up on your dispatch transmission?</p> <p>[8] A. I can't remember.</p> <p>[9] Q. Okay. Can't remember.</p> <p>[10] You stated earlier that you and Osko stayed at</p> <p>[11] the scene of the accident as the suspects fled; is</p> <p>[12] that correct?</p> <p>[13] A. No.</p> <p>[14] Q. Okay. Help me out. You -- after the accident, you</p> <p>[15] said you were taught to hold your ground.</p> <p>[16] A. The last spot I saw him, right.</p> <p>[17] Q. Oh, okay.</p> <p>[18] A. Which was when he hopped the fence.</p> <p>[19] Q. All right. So you were standing at the fence?</p> <p>[20] A. Right.</p> <p>[21] Q. Okay. Where was that in relation to the car --</p> <p>[22] excuse me -- the suspect's car?</p> <p>[23] A. The -- it was in the -- all of it's in the</p>

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[1] backyard. It's just a -- I mean, I don't know
[2] exact -- how far away it was.
[3] Q. So you were in some residential backyard?
[4] A. It's just a regular -- right.
[5] Q. Okay.
[6] A. It's just a regular residential neighborhood.
[7] Q. When you leave your vehicle -- well, that night when
[8] you left your vehicle, you and Osko, do you have a
[9] portable radio that you have with you?
[10] A. Yes, sir.
[11] Q. Okay. And I've seen them on your -- shoulder mics,
[12] things like that?
[13] A. Yes, sir.
[14] Q. Is that what you had?
[15] A. I don't know if I had my shoulder mic or if I just
[16] had it like this (indicating).
[17] Q. And that's just like a phone-style radio with an
[18] antenna on it?
[19] A. Yes.
[20] Q. It's hand-held.
[21] So you were able to have radio transmission
[22] with dispatch after you left your vehicle?
[23] A. Yes, sir.

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[1] Q. Okay. And at the same time, were you able to hear
[2] dispatch after you left your vehicle?
[3] A. Yes, sir.
[4] Q. Okay. And, generally, were you able to hear radio
[5] transmissions?
[6] A. Yes.
[7] Q. Okay. And you stated earlier that you heard someone
[8] state that, in fact, there was a burglary?
[9] A. I stated that someone stated that there were -- was
[10] a forced window -- a forced window, right.
[11] Q. Okay.
[12] A. I remember hearing that, yes, sir.
[13] Q. Okay. And you don't recall who?
[14] A. No.
[15] Q. Okay. Do you recall that night -- do you recognize
[16] -- excuse me. Scratch that. Do you recognize the
[17] voice of Kirk Pelham over the radio?
[18] A. I probably would have, yes.
[19] Q. Okay. Do you recall that night hearing any radio
[20] transmissions from Kirk Pelham in relation to
[21] Arnaud's Quality Meats?
[22] A. I can't recall.
[23] Q. Okay. Do you recall anyone stating that there was

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[1] not a burglary at Arnaud's Quality Meats?
[2] A. No. I never heard that.
[3] Q. You never heard that?
[4] A. No.
[5] Q. Okay. After you were at the fence and you were
[6] standing your -- holding your ground, I believe
[7] Osko's with you the whole time; right?
[8] A. Right.
[9] Q. Okay. How long did you stay there at that position?
[10] A. It wasn't long before some more units got there with
[11] me.
[12] Q. Okay. A matter of minutes?
[13] A. Yeah.
[14] Q. Okay. And then what happened?
[15] A. And then we started the track.
[16] Q. All right. And how long did that take,
[17] approximately?
[18] A. The track? I don't recall. I can't remember
[19] exactly.
[20] Q. Were you ultimately successful in apprehending the
[21] suspects?
[22] A. Correct. At the end of the -- yeah. After
[23] everything was said and done, yes, sir.

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[1] Q. Okay. After your backup showed up and you began to
[2] track, a period of time lapsed. What were you doing
[3] during this period of time?
[4] A. I was just watching the area.
[5] Q. Okay. Were you securing the wreck scene?
[6] A. I was -- no. There was another officer securing the
[7] wreck scene. I was securing the area where I saw
[8] the suspects.
[9] Q. Okay. What's involved in securing the area?
[10] A. I was basically just -- officer safety. Just making
[11] sure that they're not going to come back and do
[12] anything to me.
[13] Q. Okay. How long did that last?
[14] A. A matter of minutes.
[15] Q. All right. And what -- you stopped at some point in
[16] time securing that area. What -- why did you stop
[17] securing that area?
[18] A. When the other units got there, that's when I
[19] stopped securing it. I mean --
[20] Q. Okay. So then what did you do?
[21] A. We continued on with the track.
[22] Q. Okay. Where did you go specifically?
[23] A. We went left.

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[1] Q. All right. Is that back into the street?
[2] A. Back into the neighborhood.
[3] Q. All right. And did you continue to search the
[4] neighborhood?
[5] A. Yes.
[6] Q. Okay. Were you able to apprehend any of the
[7] suspects yourself?
[8] A. Me? No.
[9] Q. Okay. Fill in the blank for me. You're searching
[10] for the suspects. Then what happens?
[11] A. The suspects were apprehended. I don't know how
[12] many were apprehended during that time. I know
[13] Mr. Hogan was. We just searched the area -- I mean,
[14] looking for the suspects.
[15] Q. Okay. And then you -- did you go back on patrol?
[16] A. That night?
[17] Q. Yes.
[18] A. No. When I got done, I went to headquarters.
[19] Q. Okay. Well, you're on third shift; right?
[20] A. Right.
[21] Q. And it starts at eleven o'clock?
[22] A. Right.
[23] Q. Okay.

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[1] A. That day I was working second shift.
[2] Q. Oh, that day you were working second shift?
[3] A. Right.
[4] Q. Oh, okay. And remind me again. That's from
[5] three --
[6] A. Well, we had a second shift -- I want to say seven
[7] until three. Those were the hours that we were
[8] working.
[9] Q. Okay. Seven at night until three --
[10] A. Seven until four -- yeah.
[11] Q. Okay. So you did not go back on patrol that night?
[12] A. No.
[13] Q. All right. What did you do?
[14] A. Went to headquarters. Before I went to
[15] headquarters, I got -- I got the property out of the
[16] car that I was instructed to get out of the car and
[17] took it to headquarters with me.
[18] Q. Okay. Well, did anyone instruct you to come back to
[19] headquarters?
[20] A. I mean, I just know I had to go back and type
[21] statements.
[22] Q. Okay.
[23] A. But Detective Pelham instructed me to get the

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[1] property out of the car and bring it to
[2] headquarters, yes.
[3] Q. Okay. Detective Pelham instructed you to get the
[4] property out of the suspect's car and take it to
[5] headquarters?
[6] A. Right.
[7] Q. Okay. And you did not go back on patrol after
[8] that?
[9] A. No.
[10] Q. Okay. You stayed at headquarters?
[11] A. I did my statements at headquarters. I -- yeah. I
[12] didn't stay at headquarters, no.
[13] Q. Okay. You -- where did you go?
[14] A. After I left headquarters?
[15] Q. Yeah.
[16] A. I went to the kennel and put my partner up and I
[17] went home.
[18] Q. Okay. What time did you leave headquarters?
[19] A. I don't know. I don't know what time it was.
[20] Q. Was it a normal shift hour?
[21] A. I can't recall.
[22] Q. Okay. Do you have a sign-in or sign-out log that
[23] you have to fill out every day?

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[1] A. You mean like clocking in and clocking out?
[2] Q. Yes, sir.
[3] A. No.
[4] Q. Okay. But is there a sign-in or sign-out sheet?
[5] A. No.
[6] Q. Okay. When you go off duty, do you have to report
[7] to dispatch that you're off duty?
[8] A. No.
[9] Q. Okay. How does someone know when you're off duty?
[10] A. I mean, it's -- it's just routine. They know what
[11] time we get off.
[12] Q. Okay. Where's the kennel?
[13] A. It's off of Ripley Street.
[14] Q. All right. How far is it from headquarters?
[15] A. A couple minutes away.
[16] Q. Is it --
[17] A. Less than five minutes away.
[18] Q. Okay. When you pulled up on the scene at Arnaud's
[19] Quality Meats -- I may have asked you this. I can't
[20] remember what your answer is. The suspect's car,
[21] you said from the diagram, was facing Arnaud's
[22] Meats?
[23] A. Right.

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[1] Q. Okay. And you said that the suspect that you saw,
[2] that you believe was Chad Hogan, was in the parking
[3] lot area between Arnaud's Meats and the front of the
[4] suspect's car?
[5] A. Right.
[6] Q. Okay. Were the lights on on the suspect's car at
[7] that time?
[8] A. I can't recall that.
[9] Q. Okay. And after the suspect's car crashed --
[10] wrecked and it was up against the fence, did -- I
[11] understand you to say that Mr. Hogan climbed the
[12] fence?
[13] A. Not the fence that they wrecked. The fence in the
[14] backyard.
[15] Q. Okay. Did you go over the fence, too?
[16] A. Like I said, I held my spot until I got back up
[17] there, and then we went over the fence.
[18] Q. Okay. So you did go over the fence?
[19] A. Eventually, yes, sir.
[20] Q. Okay. What did you do with the property that --
[21] well, first of all, describe the property that you
[22] collected?
[23] A. It was a gun, a ski mask, a magazine for the gun,

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[1] Q. Okay. And what did you put in your statement?
[2] A. I put the -- what I saw when I pulled into the
[3] business and what happened there afterwards.
[4] Q. Okay. Can you remember with some specificity
[5] exactly what you put in the statement?
[6] A. I just put the details that I told you earlier. And
[7] I just put everything else that happened afterwards.
[8] Q. Okay. And what did you do with the statement after
[9] you drafted it -- well, let me -- let me ask you
[10] another question real quick.
[11] A. Uh-huh.
[12] Q. Did you hand write it?
[13] A. Typed it.
[14] Q. Typed it?
[15] A. Uh-huh.
[16] Q. Is it on a computer?
[17] A. It is.
[18] Q. All right. Is it -- did you do it in a word
[19] processing program?
[20] A. It was -- the format was already up on the screen.
[21] I don't know if it's Microsoft Word or what it is.
[22] I don't know.
[23] Q. So is it a form and you just punch in what you need

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[1] screwdrivers. I can't recall everything else. But
[2] I remember those items.
[3] Q. What kind of gun was it?
[4] A. I can't remember that exact...
[5] Q. Okay. Can you remember whether it was a revolver or
[6] a semiautomatic?
[7] A. I think it was a semiautomatic. It wasn't a
[8] revolver.
[9] Q. Do you recall the caliber?
[10] A. No.
[11] Q. Okay. Did you have an opportunity to ascertain who
[12] the gun belonged to?
[13] A. I think patrol did that. I didn't.
[14] Q. Okay. Have you come to learn who the gun belonged
[15] to?
[16] A. No.
[17] MR. WHITEHEAD: Object to the form.
[18] Q. Okay. You got back to headquarters with the
[19] property. What did you do next?
[20] A. I went upstairs to the detective division, which is
[21] on the second floor. I walked in, and I began to do
[22] my statement. I put the property where they told me
[23] to put it, and I went to do my statement.

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[1] to punch in in different areas?
[2] A. Right.
[3] Q. Okay. And is it in the style of a memo, like, from
[4] me to you regarding this subject and then a --
[5] A. Right.
[6] Q. Okay. And who was it to?
[7] A. To Lieutenant Caulfield.
[8] Q. Okay. Why does it go to Lieutenant Caulfield?
[9] A. He's my supervisor.
[10] Q. Okay. And after you drafted that statement, what
[11] did you do with it?
[12] A. I gave it to Detective Pelham.
[13] Q. Pelham. Okay. And then you went home for the
[14] night?
[15] A. No.
[16] Q. Okay. Then what happened?
[17] A. He told me to go down and impound the property that
[18] I had brought upstairs.
[19] Q. Did you do that?
[20] A. I did.
[21] Q. Okay. Then what did you do?
[22] A. While impounding the property -- I impounded the
[23] property and then I went back up -- while I

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[1] impounded the property, I had a conversation with
[2] Lieutenant Caulfield over the radio where I was just
[3] told to be sure that I do my statement and I state
[4] all the facts in my statement.
[5] Q. But you'd already done it?
[6] A. Right.
[7] Q. And -- so you told him you'd already done it?
[8] MR. WHITEHEAD: Object to the form.
[9] A. Well, I -- he didn't know that I had already done
[10] it. He just called and told me to be sure that I do
[11] my statement and be sure that I state all the facts
[12] in my statement.
[13] Q. Okay.
[14] A. And I told him that I would.
[15] Q. You told him that you would?
[16] A. I told him that I would.
[17] Q. You told -- you didn't tell him that you already
[18] had?
[19] A. Or that I had -- that I would -- that I had.
[20] Q. Okay. So you told him that you had?
[21] A. Right.
[22] Q. Okay. And did he ask to see it?
[23] A. No. He wasn't there. He was going to get a copy of

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[1] reminding you to do your statement?
[2] A. Uh-huh.
[3] Q. And you told him you already had?
[4] A. Uh-huh.
[5] MR. WHITEHEAD: Object to the form.
[6] Q. I believe you said you already had?
[7] A. I told him I -- yes.
[8] Q. Okay. Then what happened?
[9] A. Then I went back upstairs to turn the property
[10] receipt or the paperwork back over to the
[11] detectives. I went back in the room to proofread my
[12] statement again, because I still had it on the
[13] computer. I never took it off of the screen on the
[14] computer. I went back up, and I went back over my
[15] statement and proofread it. And I saw where I did
[16] need to -- I guess, it -- I was -- it wasn't
[17] articulated. It was articulated, but it wasn't
[18] articulated to the fact of their understanding. I
[19] just made it more understanding as far as where I
[20] saw -- what I saw and where I saw it.
[21] Q. Who's Lieutenant Ron Cook?
[22] A. He was Pelham's supervisor. He's a commander
[23] upstairs.

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[1] it eventually. He knew that.
[2] Q. Okay. When you finished doing the report, did you
[3] hand deliver it to Lieutenant Caulfield?
[4] A. Which report?
[5] Q. The report --
[6] A. The statement?
[7] Q. Yes.
[8] A. Yes, sir.
[9] Q. And after you finished the report or the statement
[10] that you made, did you hand deliver it to Lieutenant
[11] Caulfield?
[12] A. Eventually, yes.
[13] Q. Okay.
[14] A. After I had left headquarters, yes, I did. I took
[15] it to him.
[16] Q. Where was he?
[17] A. He was at the kennel.
[18] Q. Oh, okay.
[19] A. In his office.
[20] Q. Okay. I see.
[21] So you went to impound the property?
[22] A. Uh-huh.
[23] Q. And you got the call from Lieutenant Caulfield

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[1] Q. Did you have any conversations with Mr. Cook that
[2] night?
[3] A. Yeah. I talked to him that night.
[4] Q. What did you talk to him about?
[5] A. I can't recall what I talked to him about.
[6] Q. Was it in reference to the statement that you gave?
[7] A. I gave him the other statement. He was the one that
[8] received it. But I don't think it was directly
[9] referenced to the statement. I remember him telling
[10] me good job on what I had done. And we talked about
[11] the incident that happened.
[12] Q. What specifically did you talk about regarding the
[13] incident?
[14] A. I can't recall that either.
[15] Q. Did Cook ever say anything about Pelham complaining
[16] that there was no burglary?
[17] A. No. Not to me.
[18] Q. Okay. Did Ron Cook ever ask you to redraft your
[19] statement?
[20] A. No.
[21] Q. Okay. So you say that you went back. And, in fact,
[22] you did add some information that you had failed to
[23] articulate the first time in your statement?

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[1] A. Right.
[2] Q. Okay. And did anybody suggest that you add this
[3] information, or did you do it on your own?
[4] A. I did it on my own.
[5] Q. Okay. And what specifically did you add in your
[6] statement that you had not put in the first time?
[7] A. I think I put specifically where the guy was when I
[8] pulled into the business and which direction he was
[9] seen coming from.
[10] Q. Okay. Anything else?
[11] A. No.
[12] Q. Okay. And you turned your amended statement in then
[13] to Lieutenant Caulfield?
[14] A. I made -- the copy of it. The amended one that I --
[15] I made copies and I gave the original to Lieutenant
[16] Cook.
[17] Q. Okay.
[18] A. I think Pelham was interviewing a suspect at that
[19] time.
[20] Q. Okay. Just so I understand. You drafted your
[21] statement. Then you went to the property room.
[22] Then you came back from property with a receipt.
[23] You submitted the receipt. And then you recalled

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[1] Q. All right. Then you got a receipt?
[2] A. Uh-huh.
[3] Q. And then you brought the receipt back?
[4] A. Uh-huh.
[5] Q. And you gave the receipt to who?
[6] A. To -- I don't know who I gave the receipt to. I
[7] don't know. I can't recall.
[8] Q. Would it go to detectives?
[9] A. It stayed up there, yes.
[10] Q. You say you took Osko down to the kennel?
[11] A. After everything, yes.
[12] Q. Okay. And I guess that's something you do after
[13] every shift; right?
[14] A. Right.
[15] Q. Does the -- you're the only officer that uses Osko
[16] as a partner?
[17] A. Right.
[18] Q. And do you recall where you went after you
[19] dropped Osko off at the kennel?
[20] A. I dropped him off, I turned my statement in to
[21] Lieutenant Caulfield, and I went home.
[22] Q. Okay. Do you recall what time you got home?
[23] A. I can't remember, no.

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[1] that you wanted to add detailed --
[2] A. I went back into the -- I never closed my computer
[3] out.
[4] Q. Okay.
[5] A. I still had my statement on the screen. I just went
[6] back and I read over it --
[7] Q. Okay.
[8] A. -- like any normal person would do. Proofread it.
[9] Q. Sure. Did you print it before you made the
[10] amendment?
[11] A. Yes. That was the first one I gave them before I
[12] went down to impound the property. That's the one
[13] that I printed.
[14] Q. Okay. So you drafted your statement?
[15] A. Uh-huh.
[16] Q. And you printed it?
[17] A. Uh-huh.
[18] Q. And you gave it to Cook?
[19] A. Gave it to Pelham.
[20] Q. Pelham?
[21] A. Uh-huh.
[22] Q. All right. And then you went to property?
[23] A. I went to the desk in impound property.

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[1] Q. Was it a normal time after your shift?
[2] A. It was -- yeah. When I was working those hours,
[3] yes, sir.
[4] Q. Okay. And forgive me if you've said already, but
[5] did you have a conversation with Caulfield after you
[6] turned Osko in at the kennel about the statement?
[7] A. I gave him my statement. He told me good job and
[8] I'll see you tomorrow.
[9] Q. Okay. And before you turned the statement in, did
[10] you have any conversations at all with Caulfield
[11] about what was going to be put in the statement?
[12] A. No.
[13] Q. Okay.
[14] (Brief interruption.)
[15] MR. NELMS: Excuse me just one second.
[16] Q. Did you ever meet Anthony Arnaud?
[17] A. I met him at the zoo when we had zoo weekend. But,
[18] no, not that night, no.
[19] Q. So you know who he is?
[20] A. Yeah. Now I do, yes, sir.
[21] Q. How did you -- so you met him at the zoo after the
[22] incident?
[23] A. Right.

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<p style="text-align: right;">Page 81</p> <p>[1] Q. Did you know him by sight?</p> <p>[2] A. Now I do. Then I didn't, no.</p> <p>[3] Q. Did you see him the night of the incident?</p> <p>[4] A. No.</p> <p>[5] Q. At all?</p> <p>[6] A. I don't recall seeing him, no.</p> <p>[7] Q. I mean, when I say at all -- I mean, when you're at</p> <p>[8] Arnaud's Quality Meats or at headquarters or...</p> <p>[9] A. Not that I recall.</p> <p>[10] Q. Okay. Had you ever seen him before March 31st?</p> <p>[11] A. No, not that I recall.</p> <p>[12] Q. When you saw him at the zoo, how did you know that</p> <p>[13] he was Anthony Arnaud?</p> <p>[14] A. He introduced himself.</p> <p>[15] Q. He came up and introduced himself to you?</p> <p>[16] A. To the K-9 unit.</p> <p>[17] Q. Okay. Were you in uniform?</p> <p>[18] A. Yes.</p> <p>[19] Q. Okay. Did you have a conversation with him at the</p> <p>[20] zoo?</p> <p>[21] A. Like I said, he introduced himself.</p> <p>[22] Q. Anything else?</p> <p>[23] A. No.</p>	<p style="text-align: right;">Page 83</p> <p>[1] Q. Okay. You stated earlier that you heard someone</p> <p>[2] confirm over the radio that there was -- and don't</p> <p>[3] let me put words in your mouth, because I think</p> <p>[4] we've talked about this twice already -- that there</p> <p>[5] was, in fact, a burglary?</p> <p>[6] A. There was a forced window.</p> <p>[7] Q. Forced window?</p> <p>[8] A. Uh-huh.</p> <p>[9] Q. Okay. Could that have been Sergeant Johnson?</p> <p>[10] A. It could have been. I mean, I don't know.</p> <p>[11] Q. Okay. To the best of your knowledge, was he one of</p> <p>[12] the police officers on the scene at Arnaud's Meats?</p> <p>[13] A. I can't remember. I never went back to the scene.</p> <p>[14] Q. Okay. Have you ever been interviewed by anyone with</p> <p>[15] internal affairs regarding the incidence of March</p> <p>[16] 31st regarding Chad Hogan?</p> <p>[17] MR. BOYLE: I'm going to object. He can</p> <p>[18] answer as far as if he gave a statement or</p> <p>[19] whether or not there was -- there was an</p> <p>[20] investigation done. But just the general</p> <p>[21] interview questions or anything like that is</p> <p>[22] going to be word product and we're going to</p> <p>[23] object.</p>
<p style="text-align: right;">Page 82</p> <p>[1] Q. He didn't talk about the lawsuit at all?</p> <p>[2] A. No. During that time, there were no -- there was no</p> <p>[3] lawsuit.</p> <p>[4] Q. Did you talk about the subject matter of the arrest?</p> <p>[5] A. No.</p> <p>[6] Q. Did you have any conversation with him at all about</p> <p>[7] the incidence of March 31st?</p> <p>[8] A. Not that I can recall.</p> <p>[9] Q. Okay. I'm sorry. Did I ask you who Everett Johnson</p> <p>[10] is?</p> <p>[11] A. No you didn't.</p> <p>[12] Q. Do you know who Everett Johnson is?</p> <p>[13] A. At the time, he was a third shift supervisor --</p> <p>[14] patrol supervisor.</p> <p>[15] Q. Sergeant?</p> <p>[16] A. Uh-huh.</p> <p>[17] Q. Did you have any conversations with him on the night</p> <p>[18] of March 31st?</p> <p>[19] A. I can't recall.</p> <p>[20] Q. Did you have an opportunity to hear Sergeant</p> <p>[21] Everett Johnson's voice on the radio the night of</p> <p>[22] the incident?</p> <p>[23] A. I'm pretty sure I didn't.</p>	<p style="text-align: right;">Page 84</p> <p>[1] MR. WHITEHEAD: And I concur on that</p> <p>[2] objection.</p> <p>[3] Q. My question was, have you talked to anyone from</p> <p>[4] internal affairs regarding the incidence, or the</p> <p>[5] incident, of March 31st involving Chad Hogan and the</p> <p>[6] arrest of Chad Hogan?</p> <p>[7] MR. WHITEHEAD: You can answer that</p> <p>[8] question.</p> <p>[9] A. Yes.</p> <p>[10] Q. I'm going to ask you a question and their going to</p> <p>[11] object. Okay. So hold your answer.</p> <p>[12] Can you tell me what you discussed with the</p> <p>[13] internal affairs investigator?</p> <p>[14] MR. WHITEHEAD: And I'm going to instruct</p> <p>[15] -- instruct the client not to answer that</p> <p>[16] question on the basis of word product and</p> <p>[17] attorney/client privilege.</p> <p>[18] MR. BOYLE: I'm arguing the same thing for</p> <p>[19] the City of Montgomery. The IA investigation</p> <p>[20] was done at the request of the legal</p> <p>[21] department in anticipation of litigation. So</p> <p>[22] it's word product.</p> <p>[23] Q. (By Mr. Nelms) What date, if you can recall, did</p>

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[1] you have the conversation with an individual from
[2] internal affairs?
[3] **MR. WHITEHEAD:** You can answer that
[4] question if you can remember.
[5] **A.** I don't recall the date.
[6] **Q.** Okay. Can you recall the distance or length in time
[7] from March 31, 2005 that it was that you had this
[8] conversation with someone from internal affairs?
[9] **MR. WHITEHEAD:** You can answer that.
[10] **A.** I can't recall that either.
[11] **Q.** Okay. Was it before or after you were served with
[12] this lawsuit that brings us here today?
[13] **MR. WHITEHEAD:** You can answer.
[14] **A.** It was before.
[15] **Q.** Before?
[16] **A.** Uh-huh.
[17] **Q.** Okay.
[18] **MR. NELMS:** I would like to certify the
[19] question, what was the substance of the
[20] conversation that Officer Gordon had with the
[21] internal affairs investigator?
[22] **MR. WHITEHEAD:** Duly noted.
[23] **MR. NELMS:** And it's my understanding that

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[1] **A.** No.
[2] **MR. NELMS:** Off the Record.
[3] (Off-the-Record discussion.)
[4] **Q.** Do you know Mike Trotter?
[5] **A.** Yes.
[6] **Q.** Okay. How do you know Mike Trotter?
[7] **A.** He's an internal affairs investigator.
[8] **Q.** Okay. As a result of anything that happened
[9] regarding the arrest of Chad Hogan, have you been
[10] disciplined in any way by the Montgomery Police
[11] Department?
[12] **A.** No.
[13] **Q.** Okay. Since March 31, 2005, have you been given a
[14] promotion?
[15] **A.** Yes.
[16] **Q.** All right. And how have you been promoted?
[17] **A.** I will be promoted to corporal on -- tomorrow.
[18] **Q.** Tomorrow?
[19] **A.** Uh-huh.
[20] **Q.** Okay. Congratulations.
[21] **A.** Thank you.
[22] **Q.** Does that include a raise in pay?
[23] **A.** Yes, sir.

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[1] the officer has been instructed not to answer
[2] that question; is that correct?
[3] **MR. WHITEHEAD:** That is correct.
[4] **MR. NELMS:** Okay.
[5] **Q.** (By Mr. Nelms) Did you -- have you ever had more
[6] than one conversation with internal affairs
[7] investigators?
[8] **MR. WHITEHEAD:** You can answer that.
[9] **A.** I have.
[10] **Q.** Okay. Tell me how many conversations you've had
[11] with internal affairs investigators.
[12] **MR. WHITEHEAD:** You can answer that.
[13] **A.** I can't recall that.
[14] **Q.** Was it less than five?
[15] **A.** Yes.
[16] **Q.** Was it more than two?
[17] **A.** I don't know. Probably.
[18] **Q.** Okay. The first conversation you had with internal
[19] affairs was before you were served with this
[20] lawsuit. Have you had any conversations with
[21] internal affairs after you were served with this
[22] lawsuit?
[23] **MR. WHITEHEAD:** You can answer that.

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[1] **Q.** Okay. Other than this promotion to corporal, have
[2] you had any other formal promotion or pay increase
[3] since March 31, 2005?
[4] **A.** I can't remember.
[5] **Q.** You can't remember?
[6] **A.** No. I -- I mean, I can't recall that. I don't
[7] know.
[8] **Q.** Okay. Have -- can you recall having any increase in
[9] pay?
[10] **A.** I have. But I don't know if it was before or after
[11] the incident.
[12] **Q.** Okay. The promotion to corporal, did you have to
[13] take some examination in order to become a corporal?
[14] **A.** You do.
[15] **Q.** And I believe you stated earlier, you're the only
[16] K-9 officer that is not a corporal?
[17] **A.** There's two of us, actually.
[18] **Q.** Okay. And I believe you said that corporal Mora
[19] actually arrested Chad Hogan; is that correct?
[20] **A.** He actually apprehended him, correct.
[21] **Q.** Okay. To the best of your knowledge, did he write a
[22] statement about the arrest?
[23] **A.** I'm pretty sure he did.

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[1] Q. Okay. Did Lieutenant Caulfield ever come up to
[2] headquarters while you were at headquarters on the
[3] night of the incident?
[4] A. I think he was there before I was there.
[5] Q. Okay. Did you ever have an opportunity to see him
[6] actually at headquarters?
[7] A. Yes, sir.
[8] Q. Okay. And this was while -- after the incident
[9] while you were at headquarters?
[10] A. Right.
[11] Q. Okay. And, obviously, before you turned in your
[12] report to him at the kennel.
[13] A. Right.
[14] Q. Okay. Did you have an opportunity to talk to him
[15] during that window of time where you were both at
[16] headquarters together?
[17] A. It was -- if so, it was a brief conversation. It
[18] would be a, that a boy, good job.
[19] Q. Okay. Any specifics you can remember about that
[20] conversation?
[21] A. No.
[22] Q. Okay. Do you remember there being an incident at
[23] Alabama State University involving a K-9 officer and

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bite at Alabama State University?
[2] A. I mean, everybody -- after a bite, we all talk about
[3] it, you know, good jobs and everything like that.
[4] Q. Okay. Well, who did you talk to about the event at
[5] Alabama State University?
[6] A. I'm pretty sure I talked to everybody about it.
[7] Q. Did you talk to Lieutenant Caulfield about it?
[8] A. He's my supervisor.
[9] Q. Okay. Did you talk to Corporal Mora about it?
[10] A. Yes.
[11] Q. Okay. Who was the K-9 officer in charge of the dog
[12] that did the biting at ASU?
[13] A. It was myself.
[14] Q. Okay. And why don't you tell me the circumstances
[15] surrounding that event?
[16] MR. WHITEHEAD: That's fine.
[17] A. I mean, we got called to assist ASU police. They
[18] had some subjects that were attempting to break-in
[19] to an ATM machine and a snack machine. The subjects
[20] fled and crossed Carter Hill Road onto another
[21] street, and they hid in the area. One subject
[22] supposedly had on handcuffs. I think it was three
[23] of them total.

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[1] his dog?
[2] A. Correct.
[3] Q. Do you remember the date of that incident?
[4] A. I do not.
[5] Q. Do you recall whether or not it was before or after
[6] March 31, 2005?
[7] A. It was before.
[8] Q. Okay. Months, weeks, days? Can you tell me?
[9] A. I can't remember. Maybe weeks.
[10] Q. Okay.
[11] A. Maybe months. I don't know.
[12] Q. Okay. Do you know whether or not there was
[13] allegation that the bite at Alabama State University
[14] was unlawful?
[15] A. Yes.
[16] Q. Okay. And, in fact, was there an allegation that
[17] the bite at Alabama State University was unlawful?
[18] A. Yes.
[19] Q. Had there been discussion among the K-9 officers of
[20] the event at Alabama State University?
[21] A. What do you mean?
[22] Q. Did you ever talk to any of your fellow K-9 officers
[23] about the circumstances of the event regarding the

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We got called in the area to assist. We got
[2] there, I put my dog on the ground, Corporal Mora
[3] used his dog as well. He located the first
[4] suspect. His dog apprehended him. A couple of
[5] minutes later -- maybe thirty minutes later, I
[6] apprehended the second suspect attempting to hide
[7] and get away from me hiding in a bush.
[8] Q. Do you recall the name of the individual that was
[9] bitten by Osko?
[10] A. I can't remember.
[11] Q. Okay. Was he subsequently convicted?
[12] A. That I don't know.
[13] Q. Okay. Did you ever have to go to court to testify?
[14] A. No.
[15] Q. What was the nature of the complaint?
[16] A. It was -- like I said, it was a burglary in
[17] progress.
[18] Q. No. The complaint regarding the bite.
[19] A. He made allegations that the bite was unlawful.
[20] Q. What, if you know, specifically, did he say?
[21] A. I don't know exactly what he said.
[22] Q. Has a lawsuit been filed against you in that case?
[23] A. I haven't been served a lawsuit, no.

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<p style="text-align: right;">Page 93</p> <p>[1] Q. Okay. Do you write a statement, like you wrote in</p> <p>[2] this case --</p> <p>[3] A. Uh-huh.</p> <p>[4] Q. -- for every arrest that's made?</p> <p>[5] A. Correct.</p> <p>[6] Q. Okay. But you did not make the arrest of Chad</p> <p>[7] Hogan; is that correct?</p> <p>[8] A. Correct.</p> <p>[9] Q. Corporal Mora made the arrest?</p> <p>[10] A. I wouldn't say that he did it either. I mean, I</p> <p>[11] don't know who actually read him his Miranda rights.</p> <p>[12] I don't -- I don't know.</p> <p>[13] Q. Did anyone specifically ask you, before you had your</p> <p>[14] conversation with Caulfield while you were taking</p> <p>[15] the property to be accessioned at property --</p> <p>[16] A. Uh-huh.</p> <p>[17] Q. Did anyone, including Caulfield, specifically tell</p> <p>[18] you to write a statement?</p> <p>[19] A. I knew that was my job to do.</p> <p>[20] Q. Okay. So you took it upon yourself to write a</p> <p>[21] statement?</p> <p>[22] A. Right.</p> <p>[23] Q. Your training told you you're supposed to write a</p>	<p style="text-align: right;">Page 95</p> <p>[1] me -- three-page document and ask you if you</p> <p>[2] recognize this document, please, Mr. Gordon.</p> <p>[3] A. Correct.</p> <p>[4] (Brief recess.)</p> <p>[5] MR. NELMS: Back on the record.</p> <p>[6] Q. Before we -- I took my break, I handed you a</p> <p>[7] document and asked you to review it. It is four</p> <p>[8] pages, is it not?</p> <p>[9] A. Yes.</p> <p>[10] Q. All right. It includes an Alabama Uniform Incident</p> <p>[11] Offense Report, an arrest report, and two memoranda</p> <p>[12] to Caulfield from Gordon dated March 31, 2005?</p> <p>[13] We were talking earlier about a statement that</p> <p>[14] you drafted for Lieutenant Caulfield. Is this the</p> <p>[15] statement we were referring to?</p> <p>[16] A. Correct.</p> <p>[17] (Plaintiff's Exhibit No. 1 was marked</p> <p>[18] for identification.)</p> <p>[19] MR. NELMS: I marked it as Plaintiff's</p> <p>[20] Exhibit 1. And we'll submit it to the court</p> <p>[21] reporter.</p> <p>[22] Q. One of the memoranda is signed by you. The other is</p> <p>[23] not; is that correct?</p>
<p style="text-align: right;">Page 94</p> <p>[1] statement.</p> <p>[2] A. Correct.</p> <p>[3] Q. Okay.</p> <p>[4] THE WITNESS: Can we take a quick restroom</p> <p>[5] break?</p> <p>[6] MR. NELMS: Yeah.</p> <p>[7] (Brief recess.)</p> <p>[8] MR. NELMS: Okay. Back on the record.</p> <p>[9] Q. You told me about going back and making an amendment</p> <p>[10] to your statement. Did you make any other changes</p> <p>[11] or amendments to the statement other than the one</p> <p>[12] you've told me about?</p> <p>[13] A. That's all I can remember. I mean, I don't know.</p> <p>[14] I'd have to look back at my statements to see the</p> <p>[15] difference.</p> <p>[16] Q. Okay. So you wrote your statement the first time --</p> <p>[17] A. Uh-huh.</p> <p>[18] Q. -- went to property, came back, added the</p> <p>[19] information that you've told me about. And other</p> <p>[20] than that, you don't recall making any amendments to</p> <p>[21] that statement otherwise?</p> <p>[22] A. Correct.</p> <p>[23] Q. Okay. I'm going to show you a four page -- excuse</p>	<p style="text-align: right;">Page 96</p> <p>[1] A. It is.</p> <p>[2] Q. Okay. The one that is not, is that the first draft</p> <p>[3] that you referred to?</p> <p>[4] A. Correct.</p> <p>[5] Q. The one that you made before you went down to</p> <p>[6] property?</p> <p>[7] A. Correct.</p> <p>[8] Q. Okay. And the one that is signed by you --</p> <p>[9] A. That's the official.</p> <p>[10] Q. That's the official?</p> <p>[11] A. Right.</p> <p>[12] Q. You said official. But it's the one you turned in</p> <p>[13] to Caulfield.</p> <p>[14] A. Right.</p> <p>[15] Q. Okay. It came to me attached to the I&O and the</p> <p>[16] arrest report. Do you know of any reason why the</p> <p>[17] memorandum from you to Caulfield should be attached</p> <p>[18] to the I&O and the arrest report?</p> <p>[19] A. Who sent it to you? How did you get it?</p> <p>[20] Q. Well -- do you know of any reason why the memorandum</p> <p>[21] would be attached to...</p> <p>[22] A. No.</p> <p>[23] Q. Okay. Is it standard procedure to attach such a</p>

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<p style="text-align: right;">Page 97</p> <p>[1] statement to an I&O or arrest report?</p> <p>[2] A. I don't know. After I turn it in, I don't know what</p> <p>[3] happens to it. I don't know.</p> <p>[4] Q. Okay. I don't know either. So I was just asking.</p> <p>[5] And I believe the -- the change that you made</p> <p>[6] is you added a couple of words. Can you tell me --</p> <p>[7] point to what you added in the signed memorandum</p> <p>[8] that you did not have in the original?</p> <p>[9] A. The window is in there.</p> <p>[10] Q. The window?</p> <p>[11] A. Uh-huh.</p> <p>[12] Q. So you state, observed a Lincoln Town Car parked on</p> <p>[13] the side of the business next to a side window.</p> <p>[14] A. Uh-huh.</p> <p>[15] Q. And observed a black male standing outside of the</p> <p>[16] vehicle -- excuse me. I can't read. Next to the</p> <p>[17] business where the alarm was received.</p> <p>[18] A. Right.</p> <p>[19] Q. Okay. And in the first you wrote --</p> <p>[20] A. I just had he was standing outside of the vehicle.</p> <p>[21] Q. But you didn't say where?</p> <p>[22] A. Right.</p> <p>[23] Q. Okay. Is it your testimony today that you only made</p>	<p style="text-align: right;">Page 99</p> <p>[1] Plaintiff's Exhibit No. 2. I ask you to look at</p> <p>[2] this document and tell me if you're familiar with</p> <p>[3] it.</p> <p>[4] A. I'm not.</p> <p>[5] Q. Okay. I ask you to turn to the next to the last</p> <p>[6] page.</p> <p>[7] A. (Witness complies).</p> <p>[8] Q. It's a page that has a number of signatures on it --</p> <p>[9] A. Right.</p> <p>[10] Q. -- is it not?</p> <p>[11] A. Right.</p> <p>[12] Q. There's one line that says M. D. Gordon.</p> <p>[13] A. Right.</p> <p>[14] Q. And there's a signature above it. Is that your</p> <p>[15] signature?</p> <p>[16] A. Correct.</p> <p>[17] Q. Okay. Are these your answers and responses to</p> <p>[18] discovery that we propounded upon you?</p> <p>[19] A. It is.</p> <p>[20] Q. Okay. And are these answers accurate to the best of</p> <p>[21] your knowledge?</p> <p>[22] A. They are, to the best of my knowledge.</p> <p>[23] Q. Did you draft these answers?</p>
<p style="text-align: right;">Page 98</p> <p>[1] one amendment to this statement?</p> <p>[2] A. Right.</p> <p>[3] Q. And this is the one and only amendment that you made</p> <p>[4] to this statement that you gave to Caulfield?</p> <p>[5] A. Right. As far as I know, yes.</p> <p>[6] Q. Okay. Did you make any draft or any statement for</p> <p>[7] submission to Caulfield, Cook, Pelham, or anyone</p> <p>[8] else, before you drafted Plaintiff's Exhibit No. 1</p> <p>[9] the signed memorandum?</p> <p>[10] A. The one that's not signed.</p> <p>[11] Q. Before that one, did you make any other written</p> <p>[12] statement?</p> <p>[13] A. Not that I recall, no.</p> <p>[14] Q. Not that you can recall?</p> <p>[15] A. Right.</p> <p>[16] Q. So there's a possibility that there was another</p> <p>[17] written statement?</p> <p>[18] MR. WHITEHEAD: Object to the form.</p> <p>[19] A. Not that I can recall, no.</p> <p>[20] Q. Okay.</p> <p>[21] (Plaintiff's Exhibit No. 2 was marked</p> <p>[22] for identification.)</p> <p>[23] Q. I'm going to hand you a document that I've marked as</p>	<p style="text-align: right;">Page 100</p> <p>[1] A. What was that?</p> <p>[2] Q. Did you draft these answers?</p> <p>[3] A. These are my answers, right.</p> <p>[4] Q. My question was, did you draft these answers?</p> <p>[5] A. Yeah. These are my answers, right.</p> <p>[6] MR. WHITEHEAD: Are you asking did he</p> <p>[7] draft the document?</p> <p>[8] A. Did I create the document? Is that what you're</p> <p>[9] asking?</p> <p>[10] Q. Let's go to No. 2 --</p> <p>[11] A. Okay.</p> <p>[12] Q. -- on Page 2.</p> <p>[13] A. Okay.</p> <p>[14] Q. The answer -- first of all, you object. Then you</p> <p>[15] state that you graduated from the academy and that</p> <p>[16] you've completed other training.</p> <p>[17] A. Uh-huh.</p> <p>[18] Q. The question asked for dates, places, certificates</p> <p>[19] of completion, etc. You do not provide those.</p> <p>[20] A. Right.</p> <p>[21] Q. Was that your choice not to provide the dates, the</p> <p>[22] places, and certificates of completion.</p> <p>[23] MR. NELMS: Object on the basis of</p>

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<p style="text-align: right;">Page 101</p> <p>[1] attorney/client privilege and word product and</p> <p>[2] I instruct you not to answer that question.</p> <p>[3] The answers speaks for itself.</p> <p>[4] Q. Are you not going to answer the question?</p> <p>[5] A. No.</p> <p>[6] Q. My question is, was it your decision not to provide</p> <p>[7] the dates, places, and certificates of completion</p> <p>[8] for training that you've received? And you've</p> <p>[9] indicated that you're not going to answer that</p> <p>[10] question, because your lawyer has instructed you not</p> <p>[11] to because he claims it's attorney/client privilege;</p> <p>[12] is that correct?</p> <p>[13] A. That's correct.</p> <p>[14] MR. NELMS: I ask that the question be</p> <p>[15] certified.</p> <p>[16] MR. WHITEHEAD: Duly noted.</p> <p>[17] Q. Question No. 3. Do you see it?</p> <p>[18] A. Uh-huh.</p> <p>[19] Q. There's a Nextel number there. Do you see that?</p> <p>[20] A. I do.</p> <p>[21] Q. Is that a number and a phone that is assigned to you</p> <p>[22] by the Montgomery Police Department?</p> <p>[23] A. It's not.</p>	<p style="text-align: right;">Page 103</p> <p>[1] Q. Is it your belief, as you sit here today, that, in</p> <p>[2] fact, Chad Hogan did commit a burglary at Arnaud's</p> <p>[3] Meats?</p> <p>[4] A. I still believe what I believed March 31st, yes.</p> <p>[5] Q. Thank you. You also state that there was a handgun,</p> <p>[6] ski mask, and flashlight found inside the vehicle;</p> <p>[7] is that correct?</p> <p>[8] A. Yes.</p> <p>[9] Q. Okay. What is the importance of noting that there</p> <p>[10] was a flashlight inside the vehicle?</p> <p>[11] A. That's just to let you know what I found in the</p> <p>[12] vehicle, also.</p> <p>[13] Q. Do you see Request for Production No. 2?</p> <p>[14] A. No. 2?</p> <p>[15] Q. Yes, sir.</p> <p>[16] A. Yeah.</p> <p>[17] Q. It asks for the entire investigative file related to</p> <p>[18] the arrest of Chad Hogan. Do you acknowledge that?</p> <p>[19] A. Yeah.</p> <p>[20] Q. And it says, see attached documents; correct?</p> <p>[21] A. Correct.</p> <p>[22] Q. Were both of the memoranda that we've discussed</p> <p>[23] today included in your response to No. 2?</p>
<p style="text-align: right;">Page 102</p> <p>[1] Q. Is it your private number?</p> <p>[2] A. It is.</p> <p>[3] Q. Okay. Do you pay that phone bill yourself?</p> <p>[4] A. I do.</p> <p>[5] Q. Does the Montgomery Police Department contribute in</p> <p>[6] any way to the bill or payment of the bill for your</p> <p>[7] cell phone?</p> <p>[8] A. I pay the bill myself.</p> <p>[9] Q. Thank you. Do you see No. 5?</p> <p>[10] A. I do.</p> <p>[11] Q. I asked you to provide me with a narrative of the</p> <p>[12] events of March 31, 2005. And you've given me an</p> <p>[13] answer. And it states, the defendant states that it</p> <p>[14] his understanding that the plaintiff committed a</p> <p>[15] burglary at Arnaud's Meats. Is that your</p> <p>[16] understanding?</p> <p>[17] A. It is.</p> <p>[18] Q. Do you have any reason to believe that, in fact, the</p> <p>[19] plaintiff, Chad Hogan, did not commit a burglary at</p> <p>[20] Arnaud's Meats?</p> <p>[21] A. No.</p> <p>[22] Q. Is it your belief --</p> <p>[23] MR. WHITEHEAD: Object to the form.</p>	<p style="text-align: right;">Page 104</p> <p>[1] A. I can't recall.</p> <p>[2] Q. Thank you.</p> <p>[3] A. I can't recall.</p> <p>[4] Q. It says in No. 3, produce copies of any notes,</p> <p>[5] diaries, correspondence, memorandum, or reports of</p> <p>[6] any kind related to the incident and arrest of the</p> <p>[7] plaintiff, which occurred on or about March 31,</p> <p>[8] 2005. Did you -- it says none; correct?</p> <p>[9] A. Uh-huh.</p> <p>[10] Q. Are you aware of any notes, diaries, or other</p> <p>[11] correspondence -- memorandum of any kind related to</p> <p>[12] the arrest of Chad Hogan?</p> <p>[13] MR. WHITEHEAD: Other than what was</p> <p>[14] produced to you as part of the file?</p> <p>[15] Q. Other than what was produced.</p> <p>[16] A. Right. That would be the entire investigative file.</p> <p>[17] Q. Do you have any personal notes?</p> <p>[18] A. No.</p> <p>[19] Q. Any other diaries that you may be aware of?</p> <p>[20] A. No.</p> <p>[21] Q. Did you ever have an opportunity to talk to anyone</p> <p>[22] at the District Attorney's office related to the</p> <p>[23] arrest of Chad Hogan?</p>

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<p style="text-align: right;">Page 105</p> <p>[1] A. No.</p> <p>[2] Q. Are you aware of the status of the Burglary 3 charge</p> <p>[3] against Chad Hogan at this time?</p> <p>[4] A. No.</p> <p>[5] Q. Do you know whether or not it's been prosecuted?</p> <p>[6] A. No, I don't know.</p> <p>[7] Q. Any investigator from the District Attorney's office</p> <p>[8] contact you in relation --</p> <p>[9] A. I haven't talked to anyone from the DA's office.</p> <p>[10] Q. Other than what we've talked about here today --</p> <p>[11] A. Uh-huh.</p> <p>[12] Q. -- do you have or know of any evidence that Chad</p> <p>[13] Hogan burglarized Arnaud's Meats?</p> <p>[14] A. Not other than what we talked about today, no.</p> <p>[15] Q. Were any fingerprints taken of the scene?</p> <p>[16] A. I don't know.</p> <p>[17] Q. Were any footprints found at the scene?</p> <p>[18] A. I have no idea.</p> <p>[19] Q. Was any property belonging to Arnaud's Meats found</p> <p>[20] on the person of Chad Hogan?</p> <p>[21] A. Not to my knowledge. I don't know.</p> <p>[22] Q. When, to the best of your knowledge, did you see</p> <p>[23] Chad Hogan in person after he was arrested?</p>	<p style="text-align: right;">Page 107</p> <p>[1] (Plaintiff's Exhibit No. 3 was marked</p> <p>[2] for identification.)</p> <p>[3]</p> <p>[4]</p> <p>[5]</p> <p>[6]</p> <p>[7]</p> <p>[8]</p> <p>[9]</p> <p>[10]</p> <p>[11]</p> <p>[12]</p> <p>[13]</p> <p>[14]</p> <p>[15]</p> <p>[16]</p> <p>[17]</p> <p>[18]</p> <p>[19]</p> <p>[20]</p> <p>[21]</p> <p>[22]</p> <p>[23]</p>
<p style="text-align: right;">Page 106</p> <p>[1] A. I did. I saw him on the scene after he was</p> <p>[2] apprehended.</p> <p>[3] Q. Was he injured in any way?</p> <p>[4] A. He received a dog bite.</p> <p>[5] Q. Where was the dog bite on his person?</p> <p>[6] A. I want to say it was to his leg. I can't remember.</p> <p>[7] Q. Okay. Can you describe the wound itself?</p> <p>[8] A. No, I can't.</p> <p>[9] Q. Do you know -- were there any puncture marks?</p> <p>[10] A. I'm pretty sure there were.</p> <p>[11] Q. Can you differentiate between whether there were</p> <p>[12] puncture marks or scratches?</p> <p>[13] A. I mean, I don't know what he had. I don't know what</p> <p>[14] he received. My dog didn't bite him.</p> <p>[15] Q. I understand. I'm asking you what you know. Did he</p> <p>[16] receive, Chad Hogan that is, any medical treatment</p> <p>[17] or first aid as a result?</p> <p>[18] A. Everyone that's dog bitten receives some medical</p> <p>[19] attention.</p> <p>[20] Q. Was Mr. Hogan taken to a hospital?</p> <p>[21] A. I'm not sure.</p> <p>[22] MR. NELMS: That's all I've got.</p> <p>[23]</p>	<p style="text-align: right;">Page 108</p> <p>[1] REPORTER'S CERTIFICATE</p> <p>[2]</p> <p>[3] STATE OF ALABAMA</p> <p>[4] COUNTY OF MONTGOMERY</p> <p>[5]</p> <p>[6] I, Angela Fulmer, Certified Shorthand Reporter</p> <p>[7] and Notary Public in and for the State of Alabama at</p> <p>[8] Large, do hereby certify that on February 9, 2006,</p> <p>[9] pursuant to notice and stipulation on behalf of the</p> <p>[10] Plaintiff, I reported the deposition of J. M. GORDON, who</p> <p>[11] was first duly sworn by me to speak the truth, the whole</p> <p>[12] truth, and nothing but the truth, in the matter of Civil</p> <p>[13] Action Number 2:05CV-687-F, now pending in the United</p> <p>[14] States District Court for the Middle District of Alabama,</p> <p>[15] Northern Division, that the foregoing 107 typewritten</p> <p>[16] pages contain a true and accurate transcription of the</p> <p>[17] examination of said witness by counsel for the parties</p> <p>[18] set out herein; that the reading and signing of said</p> <p>[19] deposition was waived by witness and counsel for the</p> <p>[20] parties.</p> <p>[21] I further certify that I am neither</p> <p>[22] of kin nor of counsel to the parties to said cause, nor</p> <p>[23] in any manner interested in the results thereof.</p>